

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 379.361, F.S.;
4 transferring authority to issue licenses for oyster
5 harvesting in Apalachicola Bay from the department to
6 the City of Apalachicola; revising the disposition and
7 permitted uses of license proceeds; amending s.
8 487.041, F.S.; deleting obsolete provisions; deleting
9 a requirement that all pesticide registration fees be
10 submitted electronically; amending s. 493.6105, F.S.;
11 revising the submission requirements for a Class "K"
12 firearm license application; amending s. 493.6113,
13 F.S.; revising submission requirements for a Class "K"
14 firearm license renewal; amending s. 496.415, F.S.;
15 prohibiting the comingling of funds in connection with
16 the planning, conduct, or execution of any
17 solicitation or charitable or sponsor sales promotion;
18 amending s. 496.418, F.S.; revising recordkeeping and
19 accounting requirements for solicitations of funds;
20 amending s. 500.459, F.S.; revising permitting
21 requirements and operating standards for water vending
22 machines; amending s. 501.059, F.S.; revising the term
23 "telephonic sales call"; prohibiting telephone
24 solicitors from initiating certain contact with
25 businesses who previously communicated that they did

26 | not wish to be so contacted; creating s. 501.6175,
27 | F.S.; specifying recordkeeping requirements for
28 | commercial telephone sellers; amending s. 501.912,
29 | F.S.; revising terms; amending s. 501.913, F.S.;
30 | authorizing antifreeze brands to be registered for a
31 | specified period; deleting a provision relating to the
32 | registration of brands that are no longer in
33 | production; specifying a certified report requirement
34 | for first-time applications; amending s. 501.917,
35 | F.S.; revising department sampling and analysis
36 | requirements for antifreeze; specifying that the
37 | certificate of analysis is prima facie evidence of the
38 | facts stated therein; amending s. 501.92, F.S.;
39 | revising when the department may require an antifreeze
40 | formula for analysis; amending s. 525.07, F.S.;
41 | authorizing the department to seize skimming devices
42 | without a warrant; amending s. 526.51, F.S.; revising
43 | application requirements and fees for brake fluid
44 | brands; deleting a provision relating to the
45 | registration of brands that are no longer in
46 | production; amending s. 526.53, F.S.; revising
47 | department sampling and analysis requirements for
48 | brake fluid; specifying that the certificate of
49 | analysis is prima facie evidence of the facts stated
50 | therein; amending s. 527.01, F.S.; revising terms;

51 amending s. 527.02, F.S.; revising the persons subject
52 to liquefied petroleum business licensing provisions;
53 revising such licensing fees and requirements;
54 revising reporting and fee requirements for certain
55 material changes to license information; deleting a
56 provision authorizing license transfers; amending s.
57 527.0201, F.S.; revising the persons subject to
58 liquefied petroleum qualifier competency examination,
59 registry, supervisory, and employment requirements;
60 revising the expiration of qualifier registrations;
61 revising the persons subject to master qualifier
62 requirements; revising master qualifier application
63 requirements; deleting provisions specifying that a
64 failure to replace master qualifiers within certain
65 periods constitutes grounds for license revocation;
66 deleting a provision relating to facsimile
67 transmission of duplicate licenses; amending s.
68 527.021, F.S.; revising the circumstances under which
69 liquefied petroleum gas bulk delivery vehicles must be
70 registered with the department; amending s. 527.03,
71 F.S.; authorizing certain liquefied petroleum gas
72 registrations to be renewed for 2 or 3 years; deleting
73 certain renewal period requirements; amending s.
74 527.04, F.S.; revising the persons required to provide
75 the department with proof of insurance; revising the

76 required payee for a bond in lieu of such insurance;
77 amending s. 527.0605, F.S.; deleting provisions
78 requiring licensees to submit a site plan and review
79 fee for liquefied petroleum bulk storage container
80 locations; amending s. 527.065, F.S.; revising the
81 circumstances under which a liquefied petroleum gas
82 licensee must notify the department of an accident;
83 amending ss. 527.10 and 527.21, F.S.; conforming
84 provisions to changes made by the act; amending s.
85 527.22, F.S.; deleting an obsolete provision; amending
86 s. 531.67, F.S.; extending the expiration date of
87 certain provisions relating to permits for
88 commercially operated or tested weights or measures
89 instruments or devices; amending s. 570.07, F.S.;
90 authorizing the department to waive certain fees
91 during a state of emergency; amending s. 573.111,
92 F.S.; revising the required posting location for the
93 issuance of an agricultural commodity marketing order;
94 amending s. 578.011, F.S.; revising and defining
95 terms; creating s. 578.012, F.S.; providing
96 legislative intent; creating a preemption of local law
97 relating to regulation of seed; amending s. 578.08,
98 F.S.; revising application requirements for the
99 registration of seed dealers; conforming provisions to
100 changes made by the act; specifying that a receipt

101 from the department need not be written to constitute
102 a permit; deleting an exception to registration
103 requirements for certain experiment stations;
104 requiring the payment of fees when packet seed is
105 placed into commerce; amending s. 578.09, F.S.;
106 revising labeling requirements for agricultural,
107 vegetable, flower, tree, and shrub seeds; conforming a
108 cross-reference; repealing s. 578.091, F.S., relating
109 to labeling of forest tree seed; amending s. 578.10,
110 F.S.; revising exemptions to seed labeling, sale, and
111 solicitation requirements; amending s. 578.11, F.S.;
112 conforming provisions to changes made by the act;
113 making technical changes; amending s. 578.12, F.S.;
114 conforming provisions to changes made by the act;
115 amending s. 578.13, F.S.; conforming provisions to
116 changes made by the act; specifying that it is
117 unlawful to move, handle, or dispose of seeds or tags
118 under a stop-sale notice or order without permission
119 from the department; specifying that it is unlawful to
120 represent seed as certified except under specified
121 conditions or to label seed with a variety name under
122 certain conditions; repealing s. 578.14, F.S.,
123 relating to packet vegetable and flower seed; amending
124 s. 578.181, F.S.; revising penalties; amending s.
125 578.23, F.S.; revising recordkeeping requirements

126 relating to seed labeling; amending s. 578.26, F.S.;

127 conforming provisions to changes made by the act;

128 specifying that certain persons may not commence legal

129 proceedings or make certain claims against a seed

130 dealer before certain findings and recommendations are

131 transmitted by the seed investigation and conciliation

132 council to the complainant and dealer; deleting a

133 requirement that the department transmit such findings

134 and recommendations to complainants and dealers;

135 requiring the department to mail a copy of the

136 council's procedures to both parties upon receipt of a

137 complaint; amending s. 578.27, F.S.; removing

138 alternate membership from the seed investigation and

139 conciliation council; revising the terms of members of

140 the council; conforming provisions to changes made by

141 the act; revising the purpose of the council; revising

142 the council's investigatory process; renumbering and

143 amending s. 578.28, F.S.; making a technical change;

144 creating s. 578.29, F.S.; prohibiting certain noxious

145 weed seed from being offered or exposed for sale;

146 amending s. 590.02, F.S.; authorizing the Florida

147 Forest Service to pay certain employees' initial

148 commercial driver license examination fees; amending

149 s. 790.06, F.S.; revising required department handling

150 of incomplete criminal history information in relation

151 to licensure to carry concealed firearms; revising the
152 required furnished statement to obtain a duplicate or
153 substitute concealed weapon or firearm license;
154 amending s. 790.0625, F.S.; revising required tax
155 collector collection and remittance of firearm license
156 fees; revising the fees which a tax collector may
157 retain; authorizing certain tax collectors to print
158 and deliver certain replacement licenses under certain
159 conditions; authorizing certain tax collectors to
160 offer fingerprinting and photographing services to aid
161 license applicants; creating s. 817.417, F.S.;
162 providing a short title; defining terms; specifying
163 department duties and responsibilities relating to
164 government impostor and deceptive advertisements;
165 requiring rulemaking by the department; specifying
166 that it is a violation to disseminate certain
167 misleading or confusing advertisements, to make
168 certain misleading or confusing representations, to
169 use content implying or leading to confusion that such
170 content is from a governmental entity when such is not
171 true, to fail to provide certain disclosures, and to
172 fail to provide certain responses and answers to the
173 department; requiring a person offering documents that
174 are available free of charge or at a lesser price from
175 a governmental entity to provide a certain disclosure;

176 providing penalties; amending s. 489.105, F.S.;

177 conforming provisions to changes made by the act;

178 reenacting s. 527.06(3), F.S., relating to published

179 standards of the National Fire Protection Association;

180 providing an effective date.

181

182 Be It Enacted by the Legislature of the State of Florida:

183

184 Section 1. Paragraphs (b), (d), and (i) of subsection (5)

185 of section 379.361, Florida Statutes, are amended to read:

186 379.361 Licenses.—

187 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

188 (b) A ~~No~~ person may not ~~shall~~ harvest oysters from the

189 Apalachicola Bay without a valid Apalachicola Bay oyster

190 harvesting license issued by the City of Apalachicola ~~Department~~

191 ~~of Agriculture and Consumer Services~~. This requirement does

192 ~~shall~~ not apply to anyone harvesting noncommercial quantities of

193 oysters in accordance with commission rules, or to any person

194 less than 18 years old.

195 (d) The City of Apalachicola ~~Department of Agriculture and~~

196 ~~Consumer Services~~ shall collect an annual fee of \$100 from state

197 residents and \$500 from nonresidents for the issuance of an

198 Apalachicola Bay oyster harvesting license. The license year

199 shall begin on July 1 of each year and end on June 30 of the

200 following year. The license shall be valid only for the

201 licensee. Only bona fide residents of the state ~~Florida~~ may
 202 obtain a resident license pursuant to this subsection.

203 (i) The proceeds from Apalachicola Bay oyster harvesting
 204 license fees shall be deposited by the City of Apalachicola into
 205 a trust account ~~in the General Inspection Trust Fund~~ and, less
 206 reasonable administrative costs, must ~~shall~~ be used or
 207 distributed by the City of Apalachicola ~~Department of~~
 208 ~~Agriculture and Consumer Services~~ for the following purposes in
 209 Apalachicola Bay:

210 1. An Apalachicola Bay oyster shell recycling program
 211 ~~Relaying and transplanting live oysters.~~

212 2. Shell planting to construct or rehabilitate oyster
 213 bars.

214 3. Education programs for licensed oyster harvesters on
 215 oyster biology, aquaculture, boating and water safety,
 216 sanitation, resource conservation, small business management,
 217 marketing, and other relevant subjects.

218 4. Research directed toward the enhancement of oyster
 219 production in the bay and the water management needs of the bay.

220 Section 2. Paragraphs (a), (b), and (i) of subsection (1)
 221 of section 487.041, Florida Statutes, are amended to read:

222 487.041 Registration.—

223 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,
 224 as defined in s. 487.021, which is distributed, sold, or offered
 225 for sale, except as provided in this section, within this state

226 or delivered for transportation or transported in intrastate
 227 commerce or between points within this state through any point
 228 outside this state must be registered in the office of the
 229 department, and such registration shall be renewed biennially.
 230 Emergency exemptions from registration may be authorized in
 231 accordance with the rules of the department. The registrant
 232 shall file with the department a statement including:

233 1. The name, business mailing address, and street address
 234 of the registrant.

235 2. The name of the brand of pesticide.

236 3. An ingredient statement and a complete current copy of
 237 the labeling accompanying the brand of pesticide, which must
 238 conform to the registration, and a statement of all claims to be
 239 made for it, including directions for use and a guaranteed
 240 analysis showing the names and percentages by weight of each
 241 active ingredient, the total percentage of inert ingredients,
 242 and the names and percentages by weight of each "added
 243 ingredient."

244 (b) ~~Effective January 1, 2009,~~ For the purpose of
 245 defraying expenses of the department in connection with carrying
 246 out the provisions of this part, each registrant shall pay a
 247 biennial registration fee for each registered brand of
 248 pesticide. The registration of each brand of pesticide shall
 249 cover a designated 2-year period beginning on January 1 of each
 250 odd-numbered year and expiring on December 31 of the following

251 year.

252 ~~(i) Effective January 1, 2013, all payments of any~~
253 ~~pesticide registration fees, including late fees, shall be~~
254 ~~submitted electronically using the department's Internet website~~
255 ~~for registration of pesticide product brands.~~

256 Section 3. Paragraph (a) of subsection (6) of section
257 493.6105, Florida Statutes, is amended to read:

258 493.6105 Initial application for license.—

259 (6) In addition to the requirements under subsection (3),
260 an applicant for a Class "K" license must:

261 (a) Submit one of the following:

262 1. The Florida Criminal Justice Standards and Training
263 Commission Instructor Certificate and written confirmation by
264 the commission that the applicant possesses an active firearms
265 certification.

266 2. A valid National Rifle Association Private Security
267 Firearm Instructor Certificate issued not more than 3 years
268 before the submission of the applicant's Class "K" application.

269 3. A valid firearms instructor certificate issued by a
270 federal law enforcement agency issued not more than 3 years
271 before the submission of the applicant's Class "K" application.

272 4. A valid DD form 214 issued by the United States
273 Department of Defense, an acceptable form as specified by the
274 Department of Veterans' Affairs, or other official military
275 documentation. Such form or documentation must be issued not

276 more than 3 years before the submission of the applicant's Class
277 "K" application, indicating that the applicant has been
278 honorably discharged and has served as a military firearms
279 instructor within the last 3 years of service.

280 Section 4. Paragraph (d) of subsection (3) of section
281 493.6113, Florida Statutes, is amended to read:

282 493.6113 Renewal application for licensure.—

283 (3) Each licensee is responsible for renewing his or her
284 license on or before its expiration by filing with the
285 department an application for renewal accompanied by payment of
286 the renewal fee and the fingerprint retention fee to cover the
287 cost of ongoing retention in the statewide automated biometric
288 identification system established in s. 943.05(2)(b). Upon the
289 first renewal of a license issued under this chapter before
290 January 1, 2017, the licensee shall submit a full set of
291 fingerprints and fingerprint processing fees to cover the cost
292 of entering the fingerprints into the statewide automated
293 biometric identification system pursuant to s. 493.6108(4)(a)
294 and the cost of enrollment in the Federal Bureau of
295 Investigation's national retained print arrest notification
296 program. Subsequent renewals may be completed without submission
297 of a new set of fingerprints.

298 (d) Each Class "K" licensee shall additionally submit:

299 1. One of the certificates specified under s. 493.6105(6)
300 as proof that he or she remains certified to provide firearms

301 instruction; or

302 2. Proof of having taught no less than six 28-hour
 303 firearms instruction courses to Class "G" applicants, as
 304 specified in s. 493.6105(5), during the previous triennial
 305 licensure period.

306 Section 5. Subsection (19) is added to section 496.415,
 307 Florida Statutes, to read:

308 496.415 Prohibited acts.—It is unlawful for any person in
 309 connection with the planning, conduct, or execution of any
 310 solicitation or charitable or sponsor sales promotion to:

311 (19) Commingle charitable contributions with noncharitable
 312 funds.

313 Section 6. Section 496.418, Florida Statutes, is amended
 314 to read:

315 496.418 Recordkeeping and accounting Records.—

316 (1) Each charitable organization, sponsor, professional
 317 fundraising consultant, and professional solicitor that collects
 318 or takes control or possession of contributions made for a
 319 charitable purpose must keep records to permit accurate
 320 reporting and auditing as required by law, must not commingle
 321 contributions with noncharitable funds as specified in s.
 322 496.415(19), and must be able to account for the funds. When
 323 expenditures are not properly documented and disclosed by
 324 records, there exists a presumption that the charitable
 325 organization, sponsor, professional fundraising consultant, or

326 | professional solicitor did not properly expend such funds.
 327 | Noncharitable funds include any funds that are not used or
 328 | intended to be used for the operation of the charity or for
 329 | charitable purposes.

330 | (2) Each charitable organization, sponsor, professional
 331 | fundraising consultant, and professional solicitor must keep for
 332 | a period of at least 3 years true and accurate records as to its
 333 | activities in this state which are covered by ss. 496.401-
 334 | 496.424. The records must be made available, without subpoena,
 335 | to the department for inspection and must be furnished no later
 336 | than 10 working days after requested.

337 | Section 7. Paragraph (b) of subsection (3) and paragraph
 338 | (i) of subsection (5) of section 500.459, Florida Statutes, are
 339 | amended to read:

340 | 500.459 Water vending machines.—

341 | (3) PERMITTING REQUIREMENTS.—

342 | (b) An application for an operating permit must be made ~~in~~
 343 | ~~writing~~ to the department on forms provided by the department
 344 | and must be accompanied by a fee as provided in subsection (4).
 345 | The application must state the location of each water vending
 346 | machine, the source of the water to be vended, the treatment the
 347 | water will receive prior to being vended, and any other
 348 | information considered necessary by the department.

349 | (5) OPERATING STANDARDS.—

350 | (i) The operator shall place on each water vending

351 machine, in a position clearly visible to customers, the
352 following information: the name and address of the operator; ~~the~~
353 ~~operating permit number;~~ the fact that the water is obtained
354 from a public water supply; the method of treatment used; the
355 method of postdisinfection used; and a local or toll-free
356 telephone number that may be called for obtaining further
357 information, reporting problems, or making complaints.

358 Section 8. Paragraph (g) of subsection (1) and subsection
359 (5) of section 501.059, Florida Statutes, are amended to read:

360 501.059 Telephone solicitation.—

361 (1) As used in this section, the term:

362 (g) "Telephonic sales call" means a telephone call,
363 ringless direct-to-voicemail delivery, or text message to a
364 consumer for the purpose of soliciting a sale of any consumer
365 goods or services, soliciting an extension of credit for
366 consumer goods or services, or obtaining information that will
367 or may be used for the direct solicitation of a sale of consumer
368 goods or services or an extension of credit for such purposes.

369 (5) A telephone solicitor or other person may not initiate
370 an outbound telephone call or text message to a consumer,
371 business, or donor or potential donor who has previously
372 communicated to the telephone solicitor or other person that he
373 or she does not wish to receive an outbound telephone call or
374 text message:

375 (a) Made by or on behalf of the seller whose goods or

376 services are being offered; or

377 (b) Made on behalf of a charitable organization for which
378 a charitable contribution is being solicited.

379 Section 9. Section 501.6175, Florida Statutes, is created
380 to read:

381 501.6175 Recordkeeping.—A commercial telephone seller
382 shall keep all of the following information for 2 years after
383 the date the information first becomes part of the seller's
384 business records:

385 (1) The name and telephone number of each consumer
386 contacted by a telephone sales call.

387 (2) All express requests authorizing the telephone
388 solicitor to contact the consumer.

389 (3) Any script, outline, or presentation the applicant
390 requires or suggests a salesperson use when soliciting; sales
391 information or literature to be provided by the commercial
392 telephone seller to a salesperson; and sales information or
393 literature to be provided by the commercial telephone seller to
394 a consumer in connection with any solicitation.

395
396 Within 10 days of an oral or written request by the department,
397 including a written request transmitted by electronic mail, a
398 commercial telephone seller must make the records it keeps
399 pursuant to this section available for inspection and copying by
400 the department during the department's normal business hours.

401 This section does not limit the department's ability to inspect
402 and copy material pursuant to any other law.

403 Section 10. Section 501.912, Florida Statutes, is amended
404 to read:

405 501.912 Definitions.—As used in ss. 501.91-501.923:

406 (1) "Antifreeze" means any substance or preparation,
407 including, but not limited to, antifreeze-coolant, antifreeze
408 and summer coolant, or summer coolant, that is sold,
409 distributed, or intended for use:

410 (a) As the cooling liquid, or to be added to the cooling
411 liquid, in the cooling system of internal combustion engines of
412 motor vehicles to prevent freezing of the cooling liquid or to
413 lower its freezing point; or

414 (b) To raise the boiling point of water or for the
415 prevention of engine overheating, whether or not the liquid is
416 used as a year-round cooling system fluid.

417 ~~(2) "Antifreeze-coolant," "antifreeze and summer coolant,"~~
418 ~~or "summer coolant" means any substance as defined in subsection~~
419 ~~(1) which also is sold, distributed, or intended for raising the~~
420 ~~boiling point of water or for the prevention of engine~~
421 ~~overheating whether or not used as a year-round cooling system~~
422 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~
423 ~~"antifreeze," "antifreeze-coolant," "antifreeze and summer~~
424 ~~coolant," and "summer coolant."~~

425 (2)(3) "Department" means the Department of Agriculture

426 and Consumer Services.

427 (3)~~(4)~~ "Distribute" means to hold with an intent to sell,
428 offer for sale, sell, barter, or otherwise supply to the
429 consumer.

430 (4)~~(5)~~ "Package" means a sealed, tamperproof retail
431 package, drum, or other container designed for the sale of
432 antifreeze directly to the consumer or a container from which
433 the antifreeze may be installed directly by the seller into the
434 cooling system. However, this term,~~but~~ does not include
435 shipping containers containing properly labeled inner
436 containers.

437 (5)~~(6)~~ "Label" means any display of written, printed, or
438 graphic matter on, or attached to, a package or to the outside
439 individual container or wrapper of the package.

440 (6)~~(7)~~ "Labeling" means the labels and any other written,
441 printed, or graphic matter accompanying a package.

442 Section 11. Section 501.913, Florida Statutes, is amended
443 to read:

444 501.913 Registration.—

445 (1) Each brand of antifreeze to be distributed in this
446 state must ~~shall~~ be registered with the department before
447 distribution. The person whose name appears on the label, the
448 manufacturer, or the packager shall make application annually or
449 biennially to the department on forms provided by the
450 department. The registration certificate expires ~~shall expire~~ 12

451 or 24 months after the date of issue, as indicated on the
452 registration certificate. The registrant assumes, by application
453 to register the brand, full responsibility for the registration,
454 quality, and quantity of the product sold, offered, or exposed
455 for sale in this state. ~~If a registered brand is not in~~
456 ~~production for distribution in this state and to ensure any~~
457 ~~remaining product that is still available for sale in the state~~
458 ~~is properly registered, the registrant must submit a notarized~~
459 ~~affidavit on company letterhead to the department certifying~~
460 ~~that:~~

461 ~~(a) The stated brand is no longer in production;~~

462 ~~(b) The stated brand will not be distributed in this~~
463 ~~state; and~~

464 ~~(c) All existing product of the stated brand will be~~
465 ~~removed by the registrant from the state within 30 days after~~
466 ~~expiration of the registration or the registrant will reregister~~
467 ~~the brand for two subsequent registration periods.~~

468
469 ~~If production resumes, the brand must be reregistered before it~~
470 ~~is distributed in this state.~~

471 (2) The completed application shall be accompanied by:

472 (a) Specimens or copies ~~facsimiles~~ of the label for each
473 brand of antifreeze;

474 (b) An application fee of \$200 for a 12-month registration
475 or \$400 for a 24-month registration for each brand of

476 antifreeze; and

477 (c) For first-time applications, a certified report from
478 an independent testing laboratory, dated no more than 6 months
479 before the registration application, providing analysis showing
480 that the antifreeze conforms to minimum standards required for
481 antifreeze by this part or rules of the department and is not
482 adulterated ~~A properly labeled sample of between 1 and 2 gallons~~
483 ~~for each brand of antifreeze.~~

484 (3) The department may analyze or inspect the antifreeze
485 to ensure that it:

486 (a) Meets the labeling claims;

487 (b) Conforms to minimum standards required for antifreeze
488 by this part ~~chapter~~ or rules of the department; and

489 (c) Is not adulterated as prescribed for antifreeze by
490 this part ~~chapter~~.

491 (4) (a) If the registration requirements are met, and, if
492 the antifreeze meets the minimum standards, is not adulterated,
493 and meets the labeling claims, the department shall issue a
494 certificate of registration authorizing the distribution of that
495 antifreeze in the state for the permit period ~~year~~.

496 (b) If registration requirements are not met, or, if the
497 antifreeze fails to meet the minimum standards, is adulterated,
498 or fails to meet the labeling claims, the department shall
499 refuse to register the antifreeze.

500 Section 12. Section 501.917, Florida Statutes, is amended

501 to read:

502 501.917 Inspection by department; sampling and analysis.—
 503 The department has ~~shall have~~ the right to have access at
 504 reasonable hours to all places and property where antifreeze is
 505 stored, distributed, or offered or intended to be offered for
 506 sale, including the right to inspect and examine all antifreeze
 507 and to take reasonable samples of antifreeze for analysis
 508 together with specimens of labeling. Collected samples must be
 509 analyzed by the department. The certificate of analysis by the
 510 department shall be prima facie evidence of the facts stated
 511 therein in any legal proceeding in this state ~~All samples taken~~
 512 ~~shall be properly sealed and sent to a laboratory designated by~~
 513 ~~the department for examination together with all labeling~~
 514 ~~pertaining to such samples. It shall be the duty of said~~
 515 ~~laboratory to examine promptly all samples received in~~
 516 ~~connection with the administration and enforcement of this act.~~

517 Section 13. Section 501.92, Florida Statutes, is amended
 518 to read:

519 501.92 Formula may be required.—The department may, if
 520 required for the analysis of antifreeze by ~~the laboratory~~
 521 ~~designated by the department for the purpose of registration,~~
 522 require the applicant to furnish a statement of the formula of
 523 such antifreeze, unless the applicant can furnish other
 524 satisfactory evidence that such antifreeze is not adulterated or
 525 misbranded. Such statement need not include inhibitor or other

526 | minor ingredients which total less than 5 percent by weight of
527 | the antifreeze; and, if over 5 percent, the composition of the
528 | inhibitor and such other ingredients may be given in generic
529 | terms.

530 | Section 14. Paragraph (e) of subsection (10) of section
531 | 525.07, Florida Statutes, is redesignated as paragraph (f), and
532 | a new paragraph (e) is added to that subsection, to read:

533 | 525.07 Powers and duties of department; inspections;
534 | unlawful acts.—

535 | (10)

536 | (e) The department may seize without warrant any skimming
537 | device, as defined in s. 817.625, for use as evidence.

538 | Section 15. Subsection (1) of section 526.51, Florida
539 | Statutes, is amended to read:

540 | 526.51 Registration; renewal and fees; departmental
541 | expenses; cancellation or refusal to issue or renew.—

542 | (1)(a) Application for registration of each brand of brake
543 | fluid shall be made on forms supplied by the department. The
544 | applicant shall give his or her name and address and the brand
545 | name of the brake fluid, state that he or she owns the brand
546 | name and has complete control over the product sold thereunder
547 | in this state, and provide the name and address of the resident
548 | agent in this state. If the applicant does not own the brand
549 | name but wishes to register the product with the department, a
550 | notarized affidavit that gives the applicant full authorization

551 to register the brand name and that is signed by the owner of
552 the brand name must accompany the application for registration.
553 The affidavit must include all affected brand names, the owner's
554 company or corporate name and address, the applicant's company
555 or corporate name and address, and a statement from the owner
556 authorizing the applicant to register the product with the
557 department. The owner of the brand name shall maintain complete
558 control over each product sold under that brand name in this
559 state.

560 (b) The completed application must be accompanied by the
561 following:

562 1. Specimens or copies of the label for each brand of
563 brake fluid.

564 2. An application fee of \$50 for a 12-month registration
565 or \$100 for a 24-month registration for each brand of brake
566 fluid.

567 3. For ~~All~~ first-time applications for a brand and formula
568 combination, ~~must be accompanied by~~ a certified report from an
569 independent testing laboratory, dated no more than 6 months
570 before the registration application, setting forth the analysis
571 of the brake fluid which shows its quality to be not less than
572 the specifications established by the department for brake
573 fluids. ~~A sample of not less than 24 fluid ounces of brake fluid~~
574 ~~shall be submitted, in a container with a label printed in the~~
575 ~~same manner that it will be labeled when sold, and the sample~~

576 ~~and container shall be analyzed and inspected by the department~~
577 ~~in order that compliance with the department's specifications~~
578 ~~and labeling requirements may be verified.~~

579
580 Upon approval of the application, the department shall register
581 the brand name of the brake fluid and issue to the applicant a
582 permit authorizing the registrant to sell the brake fluid in
583 this state. The registration certificate expires ~~shall expire~~ 12
584 or 24 months after the date of issue, as indicated on the
585 registration certificate.

586 ~~(c)(b) Each applicant shall pay a fee of \$100 with each~~
587 ~~application.~~ A permit may be renewed by application to the
588 department, accompanied by a renewal fee of \$50 for a 12-month
589 registration, or \$100 for a 24-month registration, on or before
590 the expiration of the previously issued permit. To reregister a
591 previously registered brand and formula combination, an
592 applicant must submit a completed application and all materials
593 as required in this section to the department before the
594 expiration of the previously issued permit. A brand and formula
595 combination for which a completed application and all materials
596 required in this section are not received before the expiration
597 of the previously issued permit may not be registered with the
598 department until a completed application and all materials
599 required in this section have been received and approved. If the
600 brand and formula combination was previously registered with the

601 department and a fee, application, or materials required in this
602 section are received after the expiration of the previously
603 issued permit, a penalty of \$25 accrues, which shall be added to
604 the fee. Renewals shall be accepted only on brake fluids that
605 have no change in formula, composition, or brand name. Any
606 change in formula, composition, or brand name of a brake fluid
607 constitutes a new product that must be registered in accordance
608 with this part.

609 ~~(c) If a registered brand and formula combination is no~~
610 ~~longer in production for distribution in this state, in order to~~
611 ~~ensure that any remaining product still available for sale in~~
612 ~~this state is properly registered, the registrant must submit a~~
613 ~~notarized affidavit on company letterhead to the department~~
614 ~~certifying that:~~

615 ~~1. The stated brand and formula combination is no longer~~
616 ~~in production;~~

617 ~~2. The stated brand and formula combination will not be~~
618 ~~distributed in this state; and~~

619 ~~3. Either all existing product of the stated brand and~~
620 ~~formula combination will be removed by the registrant from the~~
621 ~~state within 30 days after the expiration of the registration or~~
622 ~~that the registrant will reregister the brand and formula~~
623 ~~combination for 2 subsequent years.~~

624
625 ~~If production resumes, the brand and formula combination must be~~

626 ~~reregistered before it is again distributed in this state.~~

627 Section 16. Subsection (1) of section 526.53, Florida
628 Statutes, is amended to read:

629 526.53 Enforcement; inspection and analysis, stop-sale and
630 disposition, regulations.—

631 (1) The department shall enforce ~~the provisions of this~~
632 part through the department, and may sample, inspect, analyze,
633 and test any brake fluid manufactured, packed, or sold within
634 this state. Collected samples must be analyzed by the
635 department. The certificate of analysis by the department shall
636 be prima facie evidence of the facts stated therein in any legal
637 proceeding in this state. The department has ~~shall have~~ free
638 access during business hours to all premises, buildings,
639 vehicles, cars, or vessels used in the manufacture, packing,
640 storage, sale, or transportation of brake fluid, and may open
641 any box, carton, parcel, or container of brake fluid and take
642 samples for inspection and analysis or for evidence.

643 Section 17. Section 527.01, Florida Statutes, is amended
644 to read:

645 527.01 Definitions.—As used in this chapter:

646 (1) "Liquefied petroleum gas" means any material which is
647 composed predominantly of any of the following hydrocarbons, or
648 mixtures of the same: propane, propylene, butanes (normal butane
649 or isobutane), and butylenes.

650 (2) "Person" means any individual, firm, partnership,

651 corporation, company, association, organization, or cooperative.

652 (3) "Ultimate Consumer" means the person last purchasing
653 liquefied petroleum gas in its liquid or vapor state for
654 industrial, commercial, or domestic use.

655 (4) "Department" means the Department of Agriculture and
656 Consumer Services.

657 (5) "Qualifier" means any person who has passed a
658 competency examination administered by the department and is
659 employed by a licensed category I, category II, or category V
660 business. ~~in one or more of the following classifications:~~

661 ~~(a) Category I liquefied petroleum gas dealer.~~

662 ~~(b) Category II liquefied petroleum gas dispenser.~~

663 ~~(c) LP gas installer.~~

664 ~~(d) Specialty installer.~~

665 ~~(e) Requalifier of cylinders.~~

666 ~~(f) Fabricator, repairer, and tester of vehicles and cargo~~
667 ~~tanks.~~

668 ~~(g) Category IV liquefied petroleum gas dispensing unit~~
669 ~~operator and recreational vehicle servicer.~~

670 ~~(h) Category V liquefied petroleum gases dealer for~~
671 ~~industrial uses only.~~

672 (6) "Category I liquefied petroleum gas dealer" means any
673 person selling or offering to sell by delivery or at a
674 stationary location any liquefied petroleum gas to the ultimate
675 consumer for industrial, commercial, or domestic use; any person

676 leasing or offering to lease, or exchanging or offering to
677 exchange, any apparatus, appliances, and equipment for the use
678 of liquefied petroleum gas; any person installing, servicing,
679 altering, or modifying apparatus, piping, tubing, appliances,
680 and equipment for the use of liquefied petroleum or natural gas;
681 any person installing carburetion equipment; or any person
682 requalifying cylinders.

683 (7) "Category II liquefied petroleum gas dispenser" means
684 any person engaging in the business of operating a liquefied
685 petroleum gas dispensing unit for the purpose of serving liquid
686 products to the ~~ultimate~~ consumer for industrial, commercial, or
687 domestic use, and selling or offering to sell, or leasing or
688 offering to lease, apparatus, appliances, and equipment for the
689 use of liquefied petroleum gas, including maintaining a cylinder
690 storage rack at the licensed business location for the purpose
691 of storing cylinders filled by the licensed business for sale or
692 use at a later date.

693 (8) "Category III liquefied petroleum gas cylinder
694 exchange operator" means any person operating a storage facility
695 used for the purpose of storing filled propane cylinders of not
696 more than 43.5 pounds propane capacity or 104 pounds water
697 capacity, while awaiting sale to the ~~ultimate~~ consumer, or a
698 facility used for the storage of empty or filled containers
699 which have been offered for exchange.

700 (9) "Category IV dealer in appliances and equipment

701 ~~liquefied petroleum gas dispenser and recreational vehicle~~
702 ~~servicer" means any person selling or offering to sell, or~~
703 ~~leasing or offering to lease, apparatus, appliances, and~~
704 ~~equipment for the use of liquefied petroleum gas engaging in the~~
705 ~~business of operating a liquefied petroleum gas dispensing unit~~
706 ~~for the purpose of serving liquid product to the ultimate~~
707 ~~consumer for industrial, commercial, or domestic use, and~~
708 ~~selling or offering to sell, or leasing or offering to lease,~~
709 ~~apparatus, appliances, and equipment for the use of liquefied~~
710 ~~petroleum gas, and whose services include the installation,~~
711 ~~service, or repair of recreational vehicle liquefied petroleum~~
712 ~~gas appliances and equipment.~~

713 (10) "Category V LP gas installer" means any person who is
714 engaged in the liquefied petroleum gas business and whose
715 services include the installation, servicing, altering, or
716 modifying of apparatus, piping, tubing, tanks, and equipment for
717 the use of liquefied petroleum or natural gas and selling or
718 offering to sell, or leasing or offering to lease, apparatus,
719 appliances, and equipment for the use of liquefied petroleum or
720 natural gas.

721 (11) "Category VI miscellaneous operator" means any person
722 who is engaged in operation as a manufacturer of LP gas
723 appliances and equipment; a fabricator, repairer, and tester of
724 vehicles and cargo tanks; a requalifier of LP gas cylinders; or
725 a pipeline system operator ~~Specialty installer" means any person~~

726 ~~involved in the installation, service, or repair of liquefied~~
727 ~~petroleum or natural gas appliances and equipment, and selling~~
728 ~~or offering to sell, or leasing or offering to lease, apparatus,~~
729 ~~appliances, and equipment for the use of liquefied petroleum~~
730 ~~gas, whose activities are limited to specific types of~~
731 ~~appliances and equipment as designated by department rule.~~

732 ~~(12) "Dealer in appliances and equipment for use of~~
733 ~~liquefied petroleum gas" means any person selling or offering to~~
734 ~~sell, or leasing or offering to lease, apparatus, appliances,~~
735 ~~and equipment for the use of liquefied petroleum gas.~~

736 ~~(12)~~(13) "Manufacturer of liquefied petroleum gas
737 appliances and equipment" means any person in this state
738 manufacturing and offering for sale or selling tanks, cylinders,
739 or other containers and necessary appurtenances for use in the
740 storage, transportation, or delivery of such gas to the ~~ultimate~~
741 consumer, or manufacturing and offering for sale or selling
742 apparatus, appliances, and equipment for the use of liquefied
743 petroleum gas to the ~~ultimate~~ consumer.

744 ~~(13)~~(14) "Wholesaler" means any person, as defined by
745 subsection (2), selling or offering to sell any liquefied
746 petroleum gas for industrial, commercial, or domestic use to any
747 person except the ~~ultimate~~ consumer.

748 ~~(14)~~(15) "Requalifier of cylinders" means any person
749 involved in the retesting, repair, qualifying, or requalifying
750 of liquefied petroleum gas tanks or cylinders manufactured under

751 specifications of the United States Department of Transportation
752 ~~or former Interstate Commerce Commission.~~

753 (15)~~(16)~~ "Fabricator, repairer, and tester of vehicles and
754 cargo tanks" means any person involved in the hydrostatic
755 testing, fabrication, repair, or requalifying of any motor
756 vehicles or cargo tanks used for the transportation of liquefied
757 petroleum gases, when such tanks are permanently attached to or
758 forming a part of the motor vehicle.

759 ~~(17) "Recreational vehicle" means a motor vehicle designed~~
760 ~~to provide temporary living quarters for recreational, camping,~~
761 ~~or travel use, which has its own propulsion or is mounted on or~~
762 ~~towed by another motor vehicle.~~

763 (16)~~(18)~~ "Pipeline system operator" means any person who
764 owns or operates a liquefied petroleum gas pipeline system that
765 is used to transmit liquefied petroleum gas from a common source
766 to the ~~ultimate~~ customer and that serves 10 or more customers.

767 ~~(19) "Category V liquefied petroleum gases dealer for~~
768 ~~industrial uses only" means any person engaged in the business~~
769 ~~of filling, selling, and transporting liquefied petroleum gas~~
770 ~~containers for use in welding, forklifts, or other industrial~~
771 ~~applications.~~

772 (17)~~(20)~~ "License period year" means the period 1 to 3
773 years from the issuance of the license ~~from September 1 through~~
774 ~~the following August 31, or April 1 through the following March~~
775 ~~31, depending upon the type of license.~~

776 Section 18. Section 527.02, Florida Statutes, is amended
777 to read:

778 527.02 License; penalty; fees.—

779 (1) It is unlawful for any person to engage in this state
780 in the activities defined in s. 527.01(6) through (11) ~~of a~~
781 ~~pipeline system operator, category I liquefied petroleum gas~~
782 ~~dealer, category II liquefied petroleum gas dispenser, category~~
783 ~~III liquefied petroleum gas cylinder exchange operator, category~~
784 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~
785 ~~servicer, category V liquefied petroleum gas dealer for~~
786 ~~industrial uses only, LP gas installer, specialty installer,~~
787 ~~dealer in liquefied petroleum gas appliances and equipment,~~
788 ~~manufacturer of liquefied petroleum gas appliances and~~
789 ~~equipment, requalifier of cylinders, or fabricator, repairer,~~
790 ~~and tester of vehicles and cargo tanks~~ without first obtaining
791 from the department a license to engage in one or more of these
792 businesses. The sale of liquefied petroleum gas cylinders with a
793 volume of 10 pounds water capacity or 4.2 pounds liquefied
794 petroleum gas capacity or less is exempt from the requirements
795 of this chapter. It is a felony of the third degree, punishable
796 as provided in s. 775.082, s. 775.083, or s. 775.084, to
797 intentionally or willfully engage in any of said activities
798 without first obtaining appropriate licensure from the
799 department.

800 (2) Each business location of a person having multiple

801 | locations must ~~shall~~ be separately licensed and must meet the
 802 | requirements of this section. Such license shall be granted to
 803 | any applicant determined by the department to be competent,
 804 | qualified, and trustworthy who files with the department a
 805 | surety bond, insurance affidavit, or other proof of insurance,
 806 | as hereinafter specified, and pays for such license the
 807 | following annual license ~~original application~~ fee for new
 808 | ~~licenses and annual renewal fees for existing licenses:~~

License Category	<u>License</u> Application Original Fee <u>Per Year</u>	Renewal Fee
Category I liquefied petroleum gas dealer	<u>\$400</u> \$525	\$425
Category II liquefied petroleum gas dispenser	<u>\$400</u> 525	375
Category III liquefied petroleum gas cylinder exchange unit operator	<u>\$65</u> 100	65

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813	<p>Category IV <u>dealer in appliances and equipment</u>liquefied petroleum gas dispenser and recreational vehicle servicer</p>	<u>\$65</u> 525	400
814	<p>Category V <u>LP gas installer</u> liquefied petroleum gases dealer for industrial uses only</p>	<u>\$200</u> 300	200
815	<p><u>Category VI miscellaneous operator</u> LP gas installer</p>	<u>\$200</u> 300	200
816	<p>Specialty installer</p>	300	200
817	<p>Dealer in appliances and equipment for use of liquefied petroleum gas</p>	50	45

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818 | ~~Manufacturer of~~
 | ~~liquefied petroleum~~
 | ~~gas appliances and~~
 | ~~equipment~~ 525 375

819 | ~~Requalifier of~~
 | ~~cylinders~~ 525 375

820 | ~~Fabricator, repairer,~~
 | ~~and tester of~~
 | ~~vehicles and~~
 | ~~cargo tanks~~ 525 375

821 |
 822 | ~~(3) (a) An applicant for an original license who submits an~~
 823 | ~~application during the last 6 months of the license year may~~
 824 | ~~have the original license fee reduced by one-half for the 6-~~
 825 | ~~month period. This provision applies only to those companies~~
 826 | ~~applying for an original license and may not be applied to~~
 827 | ~~licensees who held a license during the previous license year~~
 828 | ~~and failed to renew the license. The department may refuse to~~
 829 | ~~issue an initial license to an applicant who is under~~
 830 | ~~investigation in any jurisdiction for an action that would~~
 831 | ~~constitute a violation of this chapter until such time as the~~
 832 | ~~investigation is complete.~~

833 (b) The department shall waive the initial license fee for
834 1 year for an honorably discharged veteran of the United States
835 Armed Forces, the spouse of such a veteran, or a business entity
836 that has a majority ownership held by such a veteran or spouse
837 if the department receives an application, in a format
838 prescribed by the department, within 60 months after the date of
839 the veteran's discharge from any branch of the United States
840 Armed Forces. To qualify for the waiver, a veteran must provide
841 to the department a copy of his or her DD Form 214, as issued by
842 the United States Department of Defense or another acceptable
843 form of identification as specified by the Department of
844 Veterans' Affairs; the spouse of a veteran must provide to the
845 department a copy of the veteran's DD Form 214, as issued by the
846 United States Department of Defense, or another acceptable form
847 of identification as specified by the Department of Veterans'
848 Affairs, and a copy of a valid marriage license or certificate
849 verifying that he or she was lawfully married to the veteran at
850 the time of discharge; or a business entity must provide to the
851 department proof that a veteran or the spouse of a veteran holds
852 a majority ownership in the business, a copy of the veteran's DD
853 Form 214, as issued by the United States Department of Defense,
854 or another acceptable form of identification as specified by the
855 Department of Veterans' Affairs, and, if applicable, a copy of a
856 valid marriage license or certificate verifying that the spouse
857 of the veteran was lawfully married to the veteran at the time

858 of discharge.

859 (4) Any licensee submitting a material change in their
860 information for licensing, before the date for renewal, must
861 submit such change to the department in the manner prescribed by
862 the department, along with a fee in the amount of \$10 Any person
863 ~~applying for a liquefied petroleum gas license as a specialty~~
864 ~~installer, as defined by s. 527.01(11), shall upon application~~
865 ~~to the department identify the specific area of work to be~~
866 ~~performed. Upon completion of all license requirements set forth~~
867 ~~in this chapter, the department shall issue the applicant a~~
868 ~~license specifying the scope of work, as identified by the~~
869 ~~applicant and defined by rule of the department, for which the~~
870 ~~person is authorized.~~

871 ~~(5) The license fee for a pipeline system operator shall~~
872 ~~be \$100 per system owned or operated by the person, not to~~
873 ~~exceed \$400 per license year. Such license fee applies only to a~~
874 ~~pipeline system operator who owns or operates a liquefied~~
875 ~~petroleum gas pipeline system that is used to transmit liquefied~~
876 ~~petroleum gas from a common source to the ultimate customer and~~
877 ~~that serves 10 or more customers.~~

878 (5)~~(6)~~ The department shall adopt ~~promulgate~~ rules
879 specifying acts deemed by the department to demonstrate a lack
880 of trustworthiness to engage in activities requiring a license
881 or qualifier identification card under this section.

882 ~~(7) Any license issued by the department may be~~

883 ~~transferred to any person, firm, or corporation for the~~
884 ~~remainder of the current license year upon written request to~~
885 ~~the department by the original licenseholder. Prior to approval~~
886 ~~of any transfer, all licensing requirements of this chapter must~~
887 ~~be met by the transferee. A license transfer fee of \$50 shall be~~
888 ~~charged for each such transfer.~~

889 Section 19. Section 527.0201, Florida Statutes, is amended
890 to read:

891 527.0201 Qualifiers; master qualifiers; examinations.—

892 (1) In addition to the requirements of s. 527.02, any
893 person applying for a license to engage in category I, category
894 II, or category V ~~the activities of a pipeline system operator,~~
895 ~~category I liquefied petroleum gas dealer, category II liquefied~~
896 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~
897 ~~dispenser and recreational vehicle servicer, category V~~
898 ~~liquefied petroleum gases dealer for industrial uses only, LP~~
899 ~~gas installer, specialty installer, requalifier of cylinders, or~~
900 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~
901 must prove competency by passing a written examination
902 administered by the department or its agent with a grade of 70
903 75 percent or above in each area tested. Each applicant for
904 examination shall submit a \$20 nonrefundable fee. The department
905 shall by rule specify the general areas of competency to be
906 covered by each examination and the relative weight to be
907 assigned in grading each area tested.

908 (2) Application for examination for competency may be made
909 by an individual or by an owner, a partner, or any person
910 employed by the license applicant. Upon successful completion of
911 the competency examination, the department shall register ~~issue~~
912 ~~a qualifier identification card to~~ the examinee.

913 (a) Qualifier registration automatically expires if
914 ~~identification cards, except those issued to category I~~
915 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~
916 ~~installers, shall remain in effect as long as the individual~~
917 ~~shows to the department proof of active employment in the area~~
918 ~~of examination and all continuing education requirements are~~
919 ~~met. Should the individual terminates ~~terminate~~ active~~
920 ~~employment in the area of examination for a period exceeding 24~~
921 ~~months, or fails ~~fail~~ to provide documentation of continuing~~
922 ~~education, the individual's qualifier status shall automatically~~
923 ~~expire. If the qualifier registration ~~status~~ has expired, the~~
924 ~~individual must apply for and successfully complete an~~
925 ~~examination by the department in order to reestablish qualifier~~
926 ~~status.~~

927 (b) Every business organization in license category I,
928 category II, or category V shall employ at all times a full-time
929 qualifier who has successfully completed an examination in the
930 corresponding category of the license held by the business
931 organization. A person may not act as a qualifier for more than
932 one licensed location.

933 (3) Qualifier registration expires ~~cards issued to~~
934 ~~category I liquefied petroleum gas dealers and liquefied~~
935 ~~petroleum gas installers shall expire 3 years after the date of~~
936 ~~issuance. All category I liquefied petroleum gas dealer~~
937 ~~qualifiers and liquefied petroleum gas installer qualifiers~~
938 ~~holding a valid qualifier card upon the effective date of this~~
939 ~~act shall retain their qualifier status until July 1, 2003, and~~
940 ~~may sit for the master qualifier examination at any time during~~
941 ~~that time period. All such category I liquefied petroleum gas~~
942 ~~dealer qualifiers and liquefied petroleum gas installer~~
943 ~~qualifiers may renew their qualification on or before July 1,~~
944 ~~2003, upon application to the department, payment of a \$20~~
945 ~~renewal fee, and documentation of the completion of a minimum of~~
946 ~~16 hours of approved continuing education courses, as defined by~~
947 ~~department rule, during the previous 3-year period. Applications~~
948 ~~for renewal must be made 30 calendar days before expiration.~~
949 ~~Persons failing to renew before the expiration date must reapply~~
950 ~~and take a qualifier competency examination in order to~~
951 ~~reestablish category I liquefied petroleum gas dealer qualifier~~
952 ~~and liquefied petroleum gas installer qualifier status. If a~~
953 ~~category I liquefied petroleum gas qualifier or liquefied~~
954 ~~petroleum gas installer qualifier becomes a master qualifier at~~
955 ~~any time during the effective date of the qualifier card, the~~
956 ~~card shall remain in effect until expiration of the master~~
957 ~~qualifier certification.~~

958 (4) A qualifier for a business ~~organization involved in~~
959 ~~installation, repair, maintenance, or service of liquefied~~
960 ~~petroleum gas appliances, equipment, or systems~~ must actually
961 function in a supervisory capacity of other company employees
962 performing licensed activities ~~installing, repairing,~~
963 ~~maintaining, or servicing liquefied petroleum gas appliances,~~
964 ~~equipment, or systems.~~ A separate qualifier shall be required
965 for every 10 such employees. ~~Additional qualifiers are required~~
966 ~~for those business organizations employing more than 10~~
967 ~~employees that install, repair, maintain, or service liquefied~~
968 ~~petroleum gas equipment and systems.~~

969 (5) In addition to all other licensing requirements, each
970 category I and category V licensee ~~liquefied petroleum gas~~
971 ~~dealer and liquefied petroleum gas installer~~ must, at the time
972 of application for licensure, identify to the department one
973 master qualifier who is a full-time employee at the licensed
974 location. This person shall be a manager, owner, or otherwise
975 primarily responsible for overseeing the operations of the
976 licensed location and must provide documentation to the
977 department as provided by rule. The master qualifier requirement
978 shall be in addition to the requirements of subsection (1).

979 (a) In order to apply for certification as a master
980 qualifier, each applicant must have been a registered ~~be a~~
981 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~
982 ~~petroleum gas installer~~ qualifier for a minimum of 3 years

983 immediately preceding submission of the application, must be
984 employed by a licensed category I or category V licensee
985 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~
986 ~~installer~~, or applicant for such license, ~~must provide~~
987 ~~documentation of a minimum of 1 year's work experience in the~~
988 ~~gas industry~~, and must pass a master qualifier competency
989 examination. Master qualifier examinations shall be based on
990 Florida's laws, rules, and adopted codes governing liquefied
991 petroleum gas safety, general industry safety standards, and
992 administrative procedures. The applicant must successfully pass
993 the examination with a grade of 70 ~~75~~ percent or above. Each
994 applicant for master qualifier registration status must submit
995 to the department a nonrefundable \$30 examination fee before the
996 examination.

997 (b) Upon successful completion of the master qualifier
998 examination, the department shall issue the examinee a
999 ~~certificate of master qualifier~~ registration status ~~which shall~~
1000 ~~include the name of the licensed company for which the master~~
1001 ~~qualifier is employed~~. A master qualifier may transfer from one
1002 licenseholder to another upon becoming employed by the company
1003 and providing a written request to the department.

1004 (c) A master qualifier registration expires status shall
1005 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and
1006 may be renewed by submission to the department of documentation
1007 of completion of at least 16 hours of approved continuing

1008 education courses during the 3-year period; proof of employment
1009 ~~with a licensed category I liquefied petroleum gas dealer,~~
1010 ~~liquefied petroleum gas installer, or applicant;~~ and a \$30
1011 certificate renewal fee. The department shall define, by rule,
1012 approved courses of continuing education.

1013 ~~(d) Each category I liquefied petroleum gas dealer or~~
1014 ~~liquefied petroleum gas installer licensed as of August 31,~~
1015 ~~2000, shall identify to the department one current category I~~
1016 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~
1017 ~~gas installer qualifier who will be the designated master~~
1018 ~~qualifier for the licenseholder. Such individual must provide~~
1019 ~~proof of employment for 3 years or more within the liquefied~~
1020 ~~petroleum gas industry, and shall, upon approval of the~~
1021 ~~department, be granted a master qualifier certificate. All other~~
1022 ~~requirements with regard to master qualifier certificate~~
1023 ~~expiration, renewal, and continuing education shall apply.~~

1024 (6) A vacancy in a qualifier or master qualifier position
1025 in a business organization which results from the departure of
1026 the qualifier or master qualifier shall be immediately reported
1027 to the department by the departing qualifier or master qualifier
1028 and the licensed company.

1029 (a) If a business organization no longer possesses a duly
1030 designated qualifier, as required by this section, its liquefied
1031 petroleum gas licenses shall be suspended by order of the
1032 department after 20 working days. The license shall remain

1033 suspended until a competent qualifier has been employed, the
 1034 order of suspension terminated by the department, and the
 1035 license reinstated. A vacancy in the qualifier position for a
 1036 period of more than 20 working days shall be deemed to
 1037 constitute an immediate threat to the public health, safety, and
 1038 welfare. ~~Failure to obtain a replacement qualifier within 60~~
 1039 ~~days after the vacancy occurs shall be grounds for revocation of~~
 1040 ~~licensure or eligibility for licensure.~~

1041 (b) Any category I or category V licensee liquefied
 1042 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses
 1043 a master qualifier but currently employs a ~~category I liquefied~~
 1044 ~~petroleum gas dealer or LP gas installer~~ qualifier as required
 1045 by this section, has ~~shall have~~ 60 days within which to replace
 1046 the master qualifier. If the company fails to replace the master
 1047 qualifier within the 60-day ~~time~~ period, the license of the
 1048 company shall be suspended by order of the department. The
 1049 license shall remain suspended until a competent master
 1050 qualifier has been employed, the order of suspension has been
 1051 terminated by the department, and the license reinstated.
 1052 ~~Failure to obtain a replacement master qualifier within 90 days~~
 1053 ~~after the vacancy occurs shall be grounds for revocation of~~
 1054 ~~licensure or eligibility for licensure.~~

1055 (7) The department may deny, refuse to renew, suspend, or
 1056 revoke any qualifier ~~card~~ or master qualifier registration
 1057 ~~certificate~~ for any of the following causes:

1058 (a) Violation of any provision of this chapter or any rule
 1059 or order of the department;

1060 (b) Falsification of records relating to the qualifier
 1061 ~~card~~ or master qualifier registration certificate; or

1062 (c) Failure to meet any of the renewal requirements.

1063 (8) Any individual having competency qualifications on
 1064 file with the department may request the transfer of such
 1065 qualifications to any existing licenseholder by making a written
 1066 request to the department for such transfer. Any individual
 1067 having a competency examination on file with the department may
 1068 use such examination for a new license application after making
 1069 application in writing to the department. All examinations are
 1070 confidential and exempt from the provisions of s. 119.07(1).

1071 (9) If a duplicate license, qualifier ~~card~~, or master
 1072 qualifier registration certificate is requested by the licensee,
 1073 a fee of \$10 must be received before issuance of the duplicate
 1074 license or certificate card. ~~If a facsimile transmission of an~~
 1075 ~~original license is requested, upon completion of the~~
 1076 ~~transmission a fee of \$10 must be received by the department~~
 1077 ~~before the original license may be mailed to the requester.~~

1078 (10) All revenues collected herein shall be deposited in
 1079 the General Inspection Trust Fund for the purpose of
 1080 administering the provisions of this chapter.

1081 Section 20. Section 527.021, Florida Statutes, is amended
 1082 to read:

1083 527.021 Registration of transport vehicles.—

1084 (1) Each liquefied petroleum gas bulk delivery vehicle
 1085 owned or leased by a liquefied petroleum gas licensee must be
 1086 registered with the department as part of the licensing
 1087 application or when placed into service annually.

1088 (2) For the purposes of this section, a "liquefied
 1089 petroleum gas bulk delivery vehicle" means any vehicle that is
 1090 used to transport liquefied petroleum gas on any public street
 1091 or highway as liquid cargo in a cargo tank, which tank is
 1092 mounted on a conventional truck chassis or is an integral part
 1093 of a transporting vehicle in which the tank constitutes, in
 1094 whole or in part, the stress member used as a frame and is a
 1095 permanent part of the transporting vehicle.

1096 (3) ~~Vehicle registrations shall be submitted by the~~
 1097 ~~vehicle owner or lessee in conjunction with the annual renewal~~
 1098 ~~of his or her liquefied petroleum gas license, but no later than~~
 1099 ~~August 31 of each year.~~ A dealer who fails to register a vehicle
 1100 with the department does not submit the required vehicle
 1101 registration by August 31 of each year is subject to the
 1102 penalties in s. 527.13.

1103 (4) The department shall issue a decal to be placed on
 1104 each vehicle that is inspected by the department and found to be
 1105 in compliance with applicable codes.

1106 Section 21. Section 527.03, Florida Statutes, is amended
 1107 to read:

1108 527.03 ~~Annual~~ Renewal of license.—All licenses required
 1109 under this chapter shall be renewed annually, biennially, or
 1110 triennially, as elected by the licensee, subject to the license
 1111 fees prescribed in s. 527.02. All renewals must meet the same
 1112 requirements and conditions as an annual license for each
 1113 licensed year ~~All licenses, except Category III Liquefied~~
 1114 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~
 1115 ~~Dealer in Appliances and Equipment for Use of Liquefied~~
 1116 ~~Petroleum Gas licenses, shall be renewed for the period~~
 1117 ~~beginning September 1 and shall expire on the following August~~
 1118 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
 1119 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~
 1120 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~
 1121 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~
 1122 ~~period beginning April 1 and shall expire on the following March~~
 1123 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
 1124 Any license allowed to expire will ~~shall~~ become inoperative
 1125 because of failure to renew. The fee for restoration of a
 1126 license is equal to the original license fee and must be paid
 1127 before the licensee may resume operations.

1128 Section 22. Section 527.04, Florida Statutes, is amended
 1129 to read:

1130 527.04 Proof of insurance required.—

1131 (1) Before any license is issued, except to a category IV
 1132 ~~dealer in appliances and equipment for use of liquefied~~

1133 | ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder
1134 | exchange operator, the applicant must deliver to the department
1135 | satisfactory evidence that the applicant is covered by a primary
1136 | policy of bodily injury liability and property damage liability
1137 | insurance that covers the products and operations with respect
1138 | to such business and is issued by an insurer authorized to do
1139 | business in this state for an amount not less than \$1 million
1140 | and that the premium on such insurance is paid. An insurance
1141 | certificate, affidavit, or other satisfactory evidence of
1142 | acceptable insurance coverage shall be accepted as proof of
1143 | insurance. In lieu of an insurance policy, the applicant may
1144 | deliver a good and sufficient bond in the amount of \$1 million,
1145 | payable to the Commissioner of Agriculture ~~Governor of Florida~~,
1146 | with the applicant as principal and a surety company authorized
1147 | to do business in this state as surety. The bond must be
1148 | conditioned upon the applicant's compliance with this chapter
1149 | and the rules of the department with respect to the conduct of
1150 | such business and shall indemnify and hold harmless all persons
1151 | from loss or damage by reason of the applicant's failure to
1152 | comply. However, the aggregated liability of the surety may not
1153 | exceed \$1 million. If the insurance policy is canceled or
1154 | otherwise terminated or the bond becomes insufficient, the
1155 | department may require new proof of insurance or a new bond to
1156 | be filed, and if the licenseholder fails to comply, the
1157 | department shall cancel the license issued and give the

1158 | licenseholder written notice that it is unlawful to engage in
1159 | business without a license. A new bond is not required as long
1160 | as the original bond remains sufficient and in force. If the
1161 | licenseholder's insurance coverage as required by this
1162 | subsection is canceled or otherwise terminated, the insurer must
1163 | notify the department within 30 days after the cancellation or
1164 | termination.

1165 | (2) Before any license is issued to a category ~~class~~ III
1166 | liquefied petroleum gas cylinder exchange operator, the
1167 | applicant must deliver to the department satisfactory evidence
1168 | that the applicant is covered by a primary policy of bodily
1169 | injury liability and property damage liability insurance that
1170 | covers the products and operations with respect to the business
1171 | and is issued by an insurer authorized to do business in this
1172 | state for an amount not less than \$300,000 and that the premium
1173 | on the insurance is paid. An insurance certificate, affidavit,
1174 | or other satisfactory evidence of acceptable insurance coverage
1175 | shall be accepted as proof of insurance. In lieu of an insurance
1176 | policy, the applicant may deliver a good and sufficient bond in
1177 | the amount of \$300,000, payable to the Commissioner of
1178 | Agriculture ~~Governor~~, with the applicant as principal and a
1179 | surety company authorized to do business in this state as
1180 | surety. The bond must be conditioned upon the applicant's
1181 | compliance with this chapter and the rules of the department
1182 | with respect to the conduct of such business and must indemnify

1183 and hold harmless all persons from loss or damage by reason of
1184 the applicant's failure to comply. However, the aggregated
1185 liability of the surety may not exceed \$300,000. If the
1186 insurance policy is canceled or otherwise terminated or the bond
1187 becomes insufficient, the department may require new proof of
1188 insurance or a new bond to be filed, and if the licenseholder
1189 fails to comply, the department shall cancel the license issued
1190 and give the licenseholder written notice that it is unlawful to
1191 engage in business without a license. A new bond is not required
1192 as long as the original bond remains sufficient and in force. If
1193 the licenseholder's insurance coverage required by this
1194 subsection is canceled or otherwise terminated, the insurer must
1195 notify the department within 30 days after the cancellation or
1196 termination.

1197 (3) Any person having a cause of action on the bond may
1198 bring suit against the principal and surety, and a copy of such
1199 bond duly certified by the department shall be received in
1200 evidence in the courts of this state without further proof. The
1201 department shall furnish a certified copy of the ~~such~~ bond upon
1202 payment to it of its lawful fee for making and certifying such
1203 copy.

1204 Section 23. Section 527.0605, Florida Statutes, is amended
1205 to read:

1206 527.0605 Liquefied petroleum gas bulk storage locations;
1207 jurisdiction.-

1208 (1) The provisions of this chapter ~~shall~~ apply to
 1209 liquefied petroleum gas bulk storage locations when:
 1210 (a) A single container in the bulk storage location has a
 1211 capacity of 2,000 gallons or more;
 1212 (b) The aggregate container capacity of the bulk storage
 1213 location is 4,000 gallons or more; or
 1214 (c) A container or containers are installed for the
 1215 purpose of serving the public the liquid product.
 1216 ~~(2) Prior to the installation of any bulk storage~~
 1217 ~~container, the licensee must submit to the department a site~~
 1218 ~~plan of the facility which shows the proposed location of the~~
 1219 ~~container and must obtain written approval of such location from~~
 1220 ~~the department.~~
 1221 ~~(3) A fee of \$200 shall be assessed for each site plan~~
 1222 ~~reviewed by the division. The review shall include~~
 1223 ~~preconstruction inspection of the proposed site, plan review,~~
 1224 ~~and final inspection of the completed facility.~~
 1225 (2)~~(4)~~ No newly installed container may be placed in
 1226 operation until it has been inspected and approved by the
 1227 department.
 1228 Section 24. Subsection (1) of section 527.065, Florida
 1229 Statutes, is amended to read:
 1230 527.065 Notification of accidents; leak calls.-
 1231 (1) Immediately upon discovery, all liquefied petroleum
 1232 gas licensees shall notify the department of any liquefied

1233 petroleum gas-related accident involving a liquefied petroleum
 1234 gas licensee or customer account:

1235 (a) Which caused a death or personal injury requiring
 1236 professional medical treatment;

1237 (b) Where uncontrolled ignition of liquefied petroleum gas
 1238 resulted in death, personal injury, or property damage exceeding
 1239 \$3,000 ~~\$1,000~~; or

1240 (c) Which caused estimated damage to property exceeding
 1241 \$3,000 ~~\$1,000~~.

1242 Section 25. Section 527.10, Florida Statutes, is amended
 1243 to read:

1244 527.10 Restriction on use of unsafe container or system.—
 1245 No liquefied petroleum gas shall be introduced into or removed
 1246 from any container or system in this state that has been
 1247 identified by the department or its duly authorized inspectors
 1248 as not complying with the rules pertaining to such container or
 1249 system, until such violations as specified have been
 1250 satisfactorily corrected and authorization for continued service
 1251 or removal granted by the department. A statement of violations
 1252 of the rules that render such a system unsafe for use shall be
 1253 furnished in writing by the department to the ~~ultimate~~ consumer
 1254 or dealer in liquefied petroleum gas.

1255 Section 26. Subsections (3) and (17) of section 527.21,
 1256 Florida Statutes, are amended to read:

1257 527.21 Definitions relating to Florida Propane Gas

1258 Education, Safety, and Research Act.—As used in ss. 527.20-
1259 527.23, the term:

1260 (3) "Dealer" means a business engaged primarily in selling
1261 propane gas and its appliances and equipment to the ~~ultimate~~
1262 consumer or to retail propane gas dispensers.

1263 (17) "Wholesaler" or "reseller" means a seller of propane
1264 gas who is not a producer and who does not sell propane gas to
1265 the ~~ultimate~~ consumer.

1266 Section 27. Paragraph (a) of subsection (2) of section
1267 527.22, Florida Statutes, is amended to read:

1268 527.22 Florida Propane Gas Education, Safety, and Research
1269 Council established; membership; duties and responsibilities.—

1270 (2) (a) ~~Within 90 days after the effective date of this~~
1271 ~~act, the commissioner shall make a call to qualified industry~~
1272 ~~organizations for nominees to the council.~~ The commissioner
1273 shall appoint members of the council from a list of nominees
1274 submitted by qualified industry organizations. The commissioner
1275 may require such reports or documentation as is necessary to
1276 document the nomination process for members of the council.
1277 Qualified industry organizations, in making nominations, and the
1278 commissioner, in making appointments, shall give due regard to
1279 selecting a council that is representative of the industry and
1280 the geographic regions of the state. Other than the public
1281 member, council members must be full-time employees or owners of
1282 propane gas producers or dealers doing business in this state.

1283 Section 28. Section 531.67, Florida Statutes, is amended
 1284 to read:

1285 531.67 Expiration of sections.—Sections 531.60, 531.61,
 1286 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,
 1287 2025 ~~2020~~.

1288 Section 29. Subsection (46) is added to section 570.07,
 1289 Florida Statutes, to read:

1290 570.07 Department of Agriculture and Consumer Services;
 1291 functions, powers, and duties.—The department shall have and
 1292 exercise the following functions, powers, and duties:

1293 (46) During a state of emergency declared pursuant to s.
 1294 252.36, to waive fees by emergency order for duplicate copies or
 1295 renewal of permits, licenses, certifications, or other similar
 1296 types of authorizations during a period specified by the
 1297 commissioner.

1298 Section 30. Section 573.111, Florida Statutes, is amended
 1299 to read:

1300 573.111 Notice of effective date of marketing order.—
 1301 Before the issuance of any marketing order, or any suspension,
 1302 amendment, or termination thereof, a notice must ~~shall~~ be posted
 1303 ~~on a public bulletin board to be maintained by the department in~~
 1304 ~~the Division of Marketing and Development of the department in~~
 1305 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~
 1306 ~~of the notice shall be posted on the department website the same~~
 1307 ~~date that the notice is posted on the bulletin board. A No~~

1308 marketing order, or any suspension, amendment, or termination
 1309 thereof, may not ~~shall~~ become effective until ~~the termination of~~
 1310 ~~a period of 5 days~~ after ~~from~~ the date of posting and
 1311 publication.

1312 Section 31. Section 578.011, Florida Statutes, is amended
 1313 to read:

1314 578.011 Definitions; Florida Seed Law.—When used in this
 1315 chapter, the term:

1316 (1) "Advertisement" means all representations, other than
 1317 those on the label, disseminated in any manner or by any means,
 1318 relating to seed within the scope of this law.

1319 (2) "Agricultural seed" includes the seed of grass,
 1320 forage, cereal and fiber crops, and chufas and any other seed
 1321 commonly recognized within the state as agricultural seed, lawn
 1322 seed, and combinations of such seed, and may include identified
 1323 noxious weed seed when the department determines that such seed
 1324 is being used as agricultural seed ~~or field seed and mixtures of~~
 1325 ~~such seed.~~

1326 (3) "Blend" means seed consisting of more than one variety
 1327 of one kind, each present in excess of 5 percent by weight of
 1328 the whole.

1329 (4) "Buyer" means a person who purchases agricultural,
 1330 vegetable, flower, tree, or shrub seed in packaging of 1,000
 1331 seeds or more by count.

1332 (5) "Brand" means a distinguishing word, name, symbol,

1333 number, or design used to identify seed produced, packaged,
1334 advertised, or offered for sale by a particular person.

1335 (6)-(3) "Breeder seed" means a class of certified seed
1336 directly controlled by the originating or sponsoring plant
1337 breeding institution or person, or designee thereof, and is the
1338 source for the production of seed of the other classes of
1339 certified seed that are released directly from the breeder or
1340 experiment station that develops the seed. These seed are one
1341 class above foundation seed.

1342 (7)-(4) "Certified seed," means a class of seed which is
1343 the progeny of breeder, foundation, or registered seed
1344 "registered seed," and "foundation seed" mean seed that have
1345 been produced and labeled in accordance with the procedures and
1346 in compliance with the rules and regulations of any agency
1347 authorized by the laws of this state or the laws of another
1348 state.

1349 (8) "Certifying agency" means:

1350 (a) An agency authorized under the laws of a state,
1351 territory, or possession of the United States to officially
1352 certify seed and which has standards and procedures approved by
1353 the United States Secretary of Agriculture to assure the genetic
1354 purity and identity of the seed certified; or

1355 (b) An agency of a foreign country that the United States
1356 Secretary of Agriculture has determined as adhering to
1357 procedures and standards for seed certification comparable to

1358 those adhered to generally by seed certifying agencies under
1359 paragraph (a).

1360 (9) "Coated seed" means seed that has been covered by a
1361 layer of materials that obscures the original shape and size of
1362 the seed and substantially increases the weight of the product.
1363 The addition of biologicals, pesticides, identifying colorants
1364 or dyes, or other active ingredients including polymers may be
1365 included in this process.

1366 (10)-(5) "Date of test" means the month and year the
1367 percentage of germination appearing on the label was obtained by
1368 laboratory test.

1369 (11)-(6) "Dealer" means any person who sells or offers for
1370 sale any agricultural, vegetable, flower, ~~or forest tree,~~ or
1371 shrub seed for seeding purposes, and includes farmers who sell
1372 cleaned, processed, packaged, and labeled seed.

1373 (12)-(7) "Department" means the Department of Agriculture
1374 and Consumer Services or its authorized representative.

1375 (13)-(8) "Dormant seed" refers to viable seed, other than
1376 hard seed, which neither germinate nor decay during the
1377 prescribed test period and under the prescribed test conditions.

1378 (14)-(9) "Flower seed" includes seed of herbaceous plants
1379 grown for blooms, ornamental foliage, or other ornamental parts,
1380 and commonly known and sold under the name of flower or
1381 wildflower seed in this state.

1382 ~~(10) "Forest tree seed" includes seed of woody plants~~

1383 ~~commonly known and sold as forest tree seed.~~

1384 (15) "Foundation seed" means a class of certified seed
1385 which is the progeny of breeder or other foundation seed and is
1386 produced and handled under procedures established by the
1387 certifying agency, in accordance with this part, for producing
1388 foundation seed, for the purpose of maintaining genetic purity
1389 and identity.

1390 (16)~~(11)~~ "Germination" means the emergence and development
1391 from the seed embryo of those essential structures which, for
1392 the kind of seed in question, are indicative of the ability to
1393 produce a normal plant under favorable conditions ~~percentage of~~
1394 ~~seed capable of producing normal seedlings under ordinarily~~
1395 ~~favorable conditions. Broken seedlings and weak, malformed and~~
1396 ~~obviously abnormal seedlings shall not be considered to have~~
1397 ~~germinated.~~

1398 (17)~~(12)~~ "Hard seed" means seeds that remain hard at the
1399 end of a prescribed test period because they have not absorbed
1400 water due to an impermeable seed coat ~~the percentage of seed~~
1401 ~~which because of hardness or impermeability did not absorb~~
1402 ~~moisture or germinate under prescribed tests but remain hard~~
1403 ~~during the period prescribed for germination of the kind of seed~~
1404 ~~concerned.~~

1405 (18)~~(13)~~ "Hybrid" means the first generation seed of a
1406 cross produced by controlling the pollination and by combining:

1407 (a) Two or more inbred lines;

1408 (b) One inbred or a single cross with an open-pollinated
 1409 variety; or

1410 (c) Two varieties or species, except open-pollinated
 1411 varieties of corn (*Zea mays*).

1412

1413 The second generation or subsequent generations from such
 1414 crosses may ~~shall~~ not be regarded as hybrids. Hybrid
 1415 designations shall be treated as variety names.

1416 (19)-(14) "Inert matter" means all matter that is not a
 1417 full seed includes broken seed when one-half in size or less;
 1418 seed of legumes or crucifers with the seed coats removed;
 1419 undeveloped and badly injured weed seed such as sterile dodder
 1420 which, upon visual examination, are clearly incapable of growth;
 1421 empty glumes of grasses; attached sterile glumes of grasses
 1422 (which must be removed from the fertile glumes except in Rhodes
 1423 grass); dirt, stone, chaff, nematode, fungus bodies, and any
 1424 matter other than seed.

1425 (20)-(15) "Kind" means one or more related species or
 1426 subspecies which singly or collectively is known by one common
 1427 name; e.g., corn, beans, lespedeza.

1428 (21) "Label" means the display or displays of written or
 1429 printed material upon or attached to a container of seed.

1430 (22)-(16) "Labeling" includes all labels and other written,
 1431 printed, or graphic representations, in any form, accompanying
 1432 and pertaining to any seed, whether in bulk or in containers,

1433 and includes invoices and other bills of shipment when sold in
1434 bulk.

1435 (23)~~(17)~~ "Lot ~~of seed~~" means a definite quantity of seed
1436 identified by a lot number or other mark identification, every
1437 portion or bag of which is uniform within recognized tolerances
1438 for the factors that appear in the labeling, ~~for the factors~~
1439 ~~which appear in the labeling, within permitted tolerances.~~

1440 (24)~~(18)~~ "Mix," "mixed," or "mixture" means seed
1441 consisting of more than one kind ~~or variety~~, each present in
1442 excess of 5 percent by weight of the whole.

1443 (25) "Mulch" means a protective covering of any suitable
1444 substance placed with seed which acts to retain sufficient
1445 moisture to support seed germination and sustain early seedling
1446 growth and aid in the prevention of the evaporation of soil
1447 moisture, the control of weeds, and the prevention of erosion.

1448 (26) "Noxious weed seed" means seed in one of two classes
1449 of seed:

1450 (a) "Prohibited noxious weed seed" means the seed of weeds
1451 that are highly destructive and difficult to control by good
1452 cultural practices and the use of herbicides.

1453 (b) "Restricted noxious weed seed" means weed seeds that
1454 are objectionable in agricultural crops, lawns, and gardens of
1455 this state and which can be controlled by good agricultural
1456 practices or the use of herbicides.

1457 (27)~~(19)~~ "Origin" means the state, District of Columbia,

1458 Puerto Rico, or possession of the United States, or the foreign
1459 country where the seed were grown, except for native species,
1460 where the term means the county or collection zone and the state
1461 where the seed were grown ~~for forest tree seed, with respect to~~
1462 ~~which the term "origin" means the county or state forest service~~
1463 ~~seed collection zone and the state where the seed were grown.~~

1464 (28)-(20) "Other crop seed" includes all seed of plants
1465 grown in this state as crops, other than the kind or kind and
1466 variety included in the pure seed, when not more than 5 percent
1467 of the whole of a single kind or variety is present, unless
1468 designated as weed seed.

1469 (29) "Packet seed" means seed prepared for use in home
1470 gardens and household plantings packaged in labeled, sealed
1471 containers of less than 8 ounces and typically sold from seed
1472 racks or displays in retail establishments, via the Internet, or
1473 through mail order.

1474 (30)-(21) "Processing" means conditioning, cleaning,
1475 scarifying, or blending to obtain uniform quality and other
1476 operations which would change the purity or germination of the
1477 seed and, therefore, require retesting to determine the quality
1478 of the seed.

1479 ~~(22)~~ ~~"Prohibited noxious weed seed" means the seed and~~
1480 ~~bulblets of perennial weeds such as not only reproduce by seed~~
1481 ~~or bulblets, but also spread by underground roots or stems and~~
1482 ~~which, when established, are highly destructive and difficult to~~

1483 ~~control in this state by ordinary good cultural practice.~~

1484 (31)-(23) "Pure seed" means the seed, exclusive of inert
1485 matter, of the kind or kind and variety of seed declared on the
1486 label or tag ~~includes all seed of the kind or kind and variety~~
1487 ~~or strain under consideration, whether shriveled, cracked, or~~
1488 ~~otherwise injured, and pieces of broken seed larger than one-~~
1489 ~~half the original size.~~

1490 (32)-(24) "Record" includes the symbol identifying the seed
1491 as to origin, amount, processing, testing, labeling, and
1492 distribution, file sample of the seed, and any other document or
1493 instrument pertaining to the purchase, sale, or handling of
1494 agricultural, vegetable, flower, or forest tree, or shrub seed.
1495 Such information includes seed samples and records of
1496 declarations, labels, purchases, sales, conditioning, bulking,
1497 treatment, handling, storage, analyses, tests, and examinations.

1498 (33) "Registered seed" means a class of certified seed
1499 which is the progeny of breeder or foundation seed and is
1500 produced and handled under procedures established by the
1501 certifying agency, in accordance with this part, for the purpose
1502 of maintaining genetic purity and identity.

1503 ~~(25) "Restricted noxious weed seed" means the seed of such~~
1504 ~~weeds as are very objectionable in fields, lawns, or gardens of~~
1505 ~~this state, but can be controlled by good cultural practice.~~
1506 ~~Seed of poisonous plants may be included.~~

1507 (34) "Shrub seed" means seed of a woody plant that is

1508 smaller than a tree and has several main stems arising at or
1509 near the ground.

1510 (35)-(26) "Stop-sale" means any written or printed notice
1511 or order issued by the department to the owner or custodian of
1512 any lot of agricultural, vegetable, flower, ~~or forest tree,~~ or
1513 shrub seed in the state, directing the owner or custodian not to
1514 sell or offer for sale seed designated by the order within the
1515 state until the requirements of this law are complied with and a
1516 written release has been issued; except that the seed may be
1517 released to be sold for feed.

1518 (36)-(27) "Treated" means that the seed has been given an
1519 application of a material or subjected to a process designed to
1520 control or repel disease organisms, insects, or other pests
1521 attacking seed or seedlings grown therefrom to improve its
1522 planting value or to serve any other purpose.

1523 (37) "Tree seed" means seed of a woody perennial plant
1524 typically having a single stem or trunk growing to a
1525 considerable height and bearing lateral branches at some
1526 distance from the ground.

1527 (38)-(28) "Type" means a group of varieties so nearly
1528 similar that the individual varieties cannot be clearly
1529 differentiated except under special conditions.

1530 (39)-(29) "Variety" means a subdivision of a kind which is
1531 distinct in the sense that the variety can be differentiated by
1532 one or more identifiable morphological, physiological, or other

1533 characteristics from all other varieties of public knowledge;
 1534 uniform in the sense that the variations in essential and
 1535 distinctive characteristics are describable; and stable in the
 1536 sense that the variety will remain unchanged in its essential
 1537 and distinctive characteristics and its uniformity when
 1538 reproduced or reconstituted ~~characterized by growth, plant~~
 1539 ~~fruit, seed, or other characteristics by which it can be~~
 1540 ~~differentiated from other sorts of the same kind; e.g.,~~
 1541 ~~Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.~~

1542 (40) ~~(30)~~ "Vegetable seed" means the seed of those crops
 1543 that ~~which~~ are grown in gardens or on truck farms, and are
 1544 generally known and sold under the name of vegetable seed or
 1545 herb seed in this state.

1546 (41) ~~(31)~~ "Weed seed" includes the seed of all plants
 1547 generally recognized as weeds within this state, and includes
 1548 prohibited and restricted noxious weed seed, bulblets, ~~and~~
 1549 tubers, and any other vegetative propagules.

1550 Section 32. Section 578.012, Florida Statutes, is created
 1551 to read:

1552 578.012 Preemption.—

1553 (1) It is the intent of the Legislature to eliminate
 1554 duplication of regulation of seed. As such, this chapter is
 1555 intended as comprehensive and exclusive and occupies the whole
 1556 field of regulation of seed.

1557 (2) The authority to regulate seed or matters relating to

1558 seed in this state is preempted to the state. A local government
1559 or political subdivision of the state may not enact or enforce
1560 an ordinance that regulates seed, including the power to assess
1561 any penalties provided for violation of this chapter.

1562 Section 33. Section 578.08, Florida Statutes, is amended
1563 to read:

1564 578.08 Registrations.—

1565 (1) Every person, except as provided in subsection (4) ~~and~~
1566 ~~s. 578.14~~, before selling, distributing for sale, offering for
1567 sale, exposing for sale, handling for sale, or soliciting orders
1568 for the purchase of any agricultural, vegetable, flower, ~~or~~
1569 ~~forest~~ tree, or shrub seed or mixture thereof, shall first
1570 register with the department as a seed dealer. The application
1571 for registration must include the name and location of each
1572 place of business at which the seed is sold, distributed for
1573 sale, offered for sale, exposed for sale, or handled for sale.

1574 The application must ~~for registration shall~~ be filed with the
1575 department by using a form prescribed by the department or by
1576 using the department's website and shall be accompanied by an
1577 annual registration fee for each such place of business based on
1578 the gross receipts from the sale of such seed for the last
1579 preceding license year as follows:

1580 (a)1. Receipts of less than \$500, a fee of \$10.

1581 2. Receipts of \$500 or more but less than \$1,000, a fee of
1582 \$25.

- 1583 3. Receipts of \$1,000 or more but less than \$2,500, a fee
 1584 of \$100.
- 1585 4. Receipts of \$2,500 or more but less than \$5,000, a fee
 1586 of \$200.
- 1587 5. Receipts of \$5,000 or more but less than \$10,000, a fee
 1588 of \$350.
- 1589 6. Receipts of \$10,000 or more but less than \$20,000, a
 1590 fee of \$800.
- 1591 7. Receipts of \$20,000 or more but less than \$40,000, a
 1592 fee of \$1,000.
- 1593 8. Receipts of \$40,000 or more but less than \$70,000, a
 1594 fee of \$1,200.
- 1595 9. Receipts of \$70,000 or more but less than \$150,000, a
 1596 fee of \$1,600.
- 1597 10. Receipts of \$150,000 or more but less than \$400,000, a
 1598 fee of \$2,400.
- 1599 11. Receipts of \$400,000 or more, a fee of \$4,600.
- 1600 (b) For places of business not previously in operation,
 1601 the fee shall be based on anticipated receipts for the first
 1602 license year.
- 1603 (2) A ~~written~~ receipt from the department of the
 1604 registration and payment of the fee shall constitute a
 1605 sufficient permit for the dealer to engage in or continue in the
 1606 business of selling, distributing for sale, offering or exposing
 1607 for sale, handling for sale, or soliciting orders for the

1608 purchase of any agricultural, vegetable, flower, ~~or forest tree,~~
 1609 or shrub seed within the state. However, the department has
 1610 ~~shall have~~ authority to suspend or revoke any permit for the
 1611 violation of any provision of this law or of any rule adopted
 1612 under authority hereof. The registration shall expire on June 30
 1613 of the next calendar year and shall be renewed on July 1 of each
 1614 year. If any person subject to the requirements of this section
 1615 fails to comply, the department may issue a stop-sale notice or
 1616 order which shall prohibit the person from selling or causing to
 1617 be sold any agricultural, vegetable, flower, ~~or forest tree,~~ or
 1618 shrub seed until the requirements of this section are met.

1619 (3) Every person selling, distributing for sale, offering
 1620 for sale, exposing for sale, handling for sale, or soliciting
 1621 orders for the purchase of any agricultural, vegetable, flower,
 1622 ~~or forest tree,~~ or shrub seed in the state other than as
 1623 provided in subsection (4) ~~s. 578.14~~, shall be subject to the
 1624 requirements of this section; ~~except that agricultural~~
 1625 ~~experiment stations of the State University System shall not be~~
 1626 ~~subject to the requirements of this section.~~

1627 (4) ~~The provisions of This chapter~~ does ~~shall~~ not apply to
 1628 farmers who sell only uncleaned, unprocessed, unpackaged, and
 1629 unlabeled seed, but shall apply to farmers who sell cleaned,
 1630 processed, packaged, and labeled seed in amounts in excess of
 1631 \$10,000 in any one year.

1632 (5) When packet seed is sold, offered for sale, or exposed

1633 for sale, the company who packs seed for retail sale must
 1634 register and pay fees as provided under subsection (1).

1635 Section 34. Section 578.09, Florida Statutes, is amended
 1636 to read:

1637 578.09 Label requirements for agricultural, vegetable,
 1638 flower, tree, or shrub seeds.—Each container of agricultural,
 1639 vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered
 1640 for sale, exposed for sale, or distributed for sale within this
 1641 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or
 1642 have attached thereto, in a conspicuous place, ~~a label or labels~~
 1643 ~~containing all information required under this section,~~ plainly
 1644 written or printed label or tag in the English language, ~~in~~
 1645 ~~Century type.~~ All data pertaining to analysis ~~shall appear on a~~
 1646 ~~single label.~~ Language setting forth the requirements for filing
 1647 and serving complaints as described in s. 578.26(1)(c) ~~must~~ ~~or~~
 1648 ~~578.26(1)(b)~~ ~~shall~~ be included on the analysis label or be
 1649 otherwise attached to the package, except for packages
 1650 containing less than 1,000 seeds by count.

1651 (1) ~~FOR TREATED SEED.~~— For all treated agricultural,
 1652 vegetable, ~~or flower, tree, or shrub~~ seed ~~treated~~ as defined in
 1653 this chapter:

1654 (a) A word or statement indicating that the seed has been
 1655 treated ~~or description of process used.~~

1656 (b) The commonly accepted coined, chemical, or abbreviated
 1657 chemical (generic) name of the applied substance or description

1658 of the process used and ~~the words "poison treated" in red~~
1659 ~~letters, in not less than 1/4-inch type.~~

1660 (c) If the substance in the amount present with the seed
1661 is harmful to humans or other vertebrate animals, a caution
1662 statement such as "Do not use for food, feed, or oil purposes."
1663 The caution for mercurials, Environmental Protection Agency
1664 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and
1665 similarly toxic substances shall be designated by a poison
1666 statement or symbol.

1667 ~~(d) Rate of application or statement "Treated at~~
1668 ~~manufacturer's recommended rate."~~

1669 (d)(e) If the seed is treated with an inoculant, the date
1670 beyond which the inoculant is not to be considered effective
1671 (date of expiration).

1672
1673 A label separate from other labels required by this section or
1674 other law may be used to identify seed treatments as required by
1675 this subsection.

1676 (2) For agricultural seed, including lawn and turf grass
1677 seed and mixtures thereof: AGRICULTURAL SEED.—

1678 (a) ~~Commonly accepted~~ The name of the kind and variety of
1679 each agricultural seed component present in excess of 5 percent
1680 of the whole, and the percentage by weight of each in the order
1681 of its predominance. Where more than one component is required
1682 to be named, the word "mixed," "mixture," or "blend" ~~the word~~

1683 ~~"mixed"~~ shall be shown conspicuously on the label.

1684 (b) Lot number or other lot identification.

1685 (c) Net weight or seed count.

1686 (d) Origin, if known. If the origin is ~~;~~ ~~if~~ unknown, that

1687 fact must ~~shall~~ be stated.

1688 (e) Percentage by weight of all weed seed.

1689 (f) ~~The~~ Name and number of noxious weed seed per pound, if

1690 present per pound of each kind of restricted noxious weed seed.

1691 (g) Percentage by weight of agricultural seed which may be

1692 designated as other crop seed, other than those required to be

1693 named on the label.

1694 (h) Percentage by weight of inert matter.

1695 (i) For each named agricultural seed, including lawn and

1696 turf grass seed:

1697 1. Percentage of germination, exclusive of hard or dormant

1698 seed;

1699 2. Percentage of hard or dormant seed, if ~~when~~ present, ~~if~~

1700 ~~desired;~~ and

1701 3. The calendar month and year the test was completed to

1702 determine such percentages, provided that the germination test

1703 must have been completed within the previous 9 months, exclusive

1704 of the calendar month of test.

1705 (j) Name and address of the person who labeled said seed

1706 or who sells, distributes, offers, or exposes said seed for sale

1707 within this state.

1708
 1709 The sum total of the percentages listed pursuant to paragraphs
 1710 (a), (e), (g), and (h) must be equal to 100 percent.

1711 (3) For seed that is coated:

1712 (a) Percentage by weight of pure seed with coating
 1713 material removed. The percentage of coating material may be
 1714 included with the inert matter percentage or may be listed
 1715 separately.

1716 (b) Percentage of germination. This percentage must be
 1717 determined based on an examination of 400 coated units with or
 1718 without seed.

1719
 1720 In addition to the requirements of this subsection, labeling of
 1721 coated seed must also comply with the requirements of any other
 1722 subsection pertaining to that type of seed. ~~FOR VEGETABLE SEED~~
 1723 ~~IN CONTAINERS OF 8 OUNCES OR MORE.~~

1724 ~~(a) Name of kind and variety of seed.~~

1725 ~~(b) Net weight or seed count.~~

1726 ~~(c) Lot number or other lot identification.~~

1727 ~~(d) Percentage of germination.~~

1728 ~~(e) Calendar month and year the test was completed to~~
 1729 ~~determine such percentages.~~

1730 ~~(f) Name and address of the person who labeled said seed~~
 1731 ~~or who sells, distributes, offers or exposes said seed for sale~~
 1732 ~~within this state.~~

1733 ~~(g) For seed which germinate less than the standard last~~
1734 ~~established by the department the words "below standard," in not~~
1735 ~~less than 8-point type, must be printed or written in ink on the~~
1736 ~~face of the tag, in addition to the other information required.~~
1737 ~~Provided, that no seed marked "below standard" shall be sold~~
1738 ~~which falls more than 20 percent below the standard for such~~
1739 ~~seed which has been established by the department, as authorized~~
1740 ~~by this law.~~

1741 ~~(h) The name and number of restricted noxious weed seed~~
1742 ~~per pound.~~

1743 (4) For combination mulch, seed, and fertilizer products:

1744 (a) The word "combination" followed, as appropriate, by
1745 the words "mulch - seed - fertilizer" must appear prominently on
1746 the principal display panel of the package.

1747 (b) If the product is an agricultural seed placed in a
1748 germination medium, mat, tape, or other device or is mixed with
1749 mulch or fertilizer, it must also be labeled with all of the
1750 following:

- 1751 1. Product name.
1752 2. Lot number or other lot identification.
1753 3. Percentage by weight of pure seed of each kind and
1754 variety named which may be less than 5 percent of the whole.
1755 4. Percentage by weight of other crop seed.
1756 5. Percentage by weight of inert matter.
1757 6. Percentage by weight of weed seed.

1758 7. Name and number of noxious weed seeds per pound, if
 1759 present.

1760 8. Percentage of germination, and hard or dormant seed if
 1761 appropriate, of each kind or kind and variety named. The
 1762 germination test must have been completed within the previous 12
 1763 months exclusive of the calendar month of test.

1764 9. The calendar month and year the test was completed to
 1765 determine such percentages.

1766 10. Name and address of the person who labeled the seed,
 1767 or who sells, offers, or exposes the seed for sale within the
 1768 state.

1769
 1770 The sum total of the percentages listed pursuant to
 1771 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

1772 (5) For vegetable seed in packets as prepared for use in
 1773 home gardens or household plantings or vegetable seeds in
 1774 preplanted containers, mats, tapes, or other planting devices:
 1775 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~

1776 (a) Name of kind and variety of seed. Hybrids must be
 1777 labeled as hybrids.

1778 (b) Lot number or other lot identification.

1779 (c) Germination test date identified in the following
 1780 manner:

1781 1. The calendar month and year the germination test was
 1782 completed and the statement "Sell by ...(month/year)...", which

1783 may be no more than 12 months from the date of test, beginning
 1784 with the month after the test date;

1785 2. The month and year the germination test was completed,
 1786 provided that the germination test must have been completed
 1787 within the previous 12 months, exclusive of the calendar month
 1788 of test; or

1789 3. The year for which the seed was packaged for sale as
 1790 "Packed for ...(year)..." and the statement "Sell by
 1791 ...(year)..." which shall be one year after the seed was
 1792 packaged for sale.

1793 (d)~~(b)~~ Name and address of the person who labeled the seed
 1794 or who sells, distributes, offers, or exposes said seed for sale
 1795 within this state.

1796 (e)~~(e)~~ For seed which germinate less than standard last
 1797 established by the department,~~the additional information must~~
 1798 ~~be shown:~~

1799 1. Percentage of germination, exclusive of hard or dormant
 1800 seed.

1801 2. Percentage of hard or dormant seed~~when present,~~ if
 1802 present desired.

1803 ~~3. Calendar month and year the test was completed to~~
 1804 ~~determine such percentages.~~

1805 ~~3.4.~~ The words "Below Standard" prominently displayed in
 1806 not less than 8-point type.

1807

1808 (f) ~~(d)~~ No seed marked "below standard" may ~~shall~~ be sold
1809 that falls which fall more than 20 percent below the established
1810 standard for such seed. For seeds that do not have an
1811 established standard, the minimum germination standard shall be
1812 50 percent, and no such seed may be sold that is 20 percent
1813 below this standard.

1814 (g) For seed placed in a germination medium, mat, tape, or
1815 other device in such a way as to make it difficult to determine
1816 the quantity of seed without removing the seeds from the medium,
1817 mat, tape or device, a statement to indicate the minimum number
1818 of seeds in the container.

1819 (6) For vegetable seed in containers, other than packets
1820 prepared for use in home gardens or household plantings, and
1821 other than preplanted containers, mats, tapes, or other planting
1822 devices:

1823 (a) The name of each kind and variety present of any seed
1824 in excess of 5 percent of the total weight in the container, and
1825 the percentage by weight of each type of seed in order of its
1826 predominance. Hybrids must be labeled as hybrids.

1827 (b) Net weight or seed count.

1828 (c) Lot number or other lot identification.

1829 (d) For each named vegetable seed:

1830 1. Percentage germination, exclusive of hard or dormant
1831 seed;

1832 2. Percentage of hard or dormant seed, if present;

1833 3. Listed below the requirements of subparagraphs 1. and
 1834 2., the "total germination and hard or dormant seed" may be
 1835 stated as such, if desired; and

1836 4. The calendar month and year the test was completed to
 1837 determine the percentages specified in subparagraphs 1. and 2.,
 1838 provided that the germination test must have been completed
 1839 within 9 months, exclusive of the calendar month of test.

1840 (e) Name and address of the person who labeled the seed,
 1841 or who sells, offers, or exposes the seed for sale within this
 1842 state.

1843 (f) For seed which germinate less than the standard last
 1844 established by the department, the words "Below Standard"
 1845 prominently displayed.

1846 1. No seed marked "Below Standard" may be sold if the seed
 1847 is more than 20 percent below the established standard for such
 1848 seed.

1849 2. For seeds that do not have an established standard, the
 1850 minimum germination standard shall be 50 percent, and no such
 1851 seed may be sold that is 20 percent below this standard.

1852 (7)(5) For flower seed in packets prepared for use in home
 1853 gardens or household plantings or flower seed in preplanted
 1854 containers, mats, tapes, or other planting devices: ~~FOR FLOWER~~
 1855 ~~SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD~~
 1856 ~~PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,~~
 1857 ~~OR OTHER PLANTING DEVICES.—~~

- 1858 (a) For all kinds of flower seed:
- 1859 1. The name of the kind and variety or a statement of type
- 1860 and performance characteristics as prescribed in the rules and
- 1861 regulations adopted ~~promulgated~~ under the provisions of this
- 1862 chapter.
- 1863 2. Germination test date, identified in the following
- 1864 manner:
- 1865 a. The calendar month and year the germination test was
- 1866 completed and the statement "Sell by ...(month/year)...". The
- 1867 sell by date must be no more than 12 months from the date of
- 1868 test, beginning with the month after the test date;
- 1869 b. The year for which the seed was packed for sale as
- 1870 "Packed for ...(year)..." and the statement "Sell by
- 1871 ...(year)..." which shall be for a calendar year; or
- 1872 c. The calendar month and year the test was completed,
- 1873 provided that the germination test must have been completed
- 1874 within the previous 12 months, exclusive of the calendar month
- 1875 of test.
- 1876 ~~2. The calendar month and year the seed was tested or the~~
- 1877 ~~year for which the seed was packaged.~~
- 1878 3. The name and address of the person who labeled said
- 1879 seed, or who sells, offers, or exposes said seed for sale within
- 1880 this state.
- 1881 (b) For seed of those kinds for which standard testing
- 1882 procedures are prescribed and which germinate less than the

1883 germination standard last established under the provisions of
1884 this chapter:

1885 1. The percentage of germination exclusive of hard or
1886 dormant seed.

1887 2. Percentage of hard or dormant seed, if present.

1888 3. The words "Below Standard" prominently displayed ~~in not~~
1889 ~~less than 8-point type.~~

1890 (c) For seed placed in a germination medium, mat, tape, or
1891 other device in such a way as to make it difficult to determine
1892 the quantity of seed without removing the seed from the medium,
1893 mat, tape, or device, a statement to indicate the minimum number
1894 of seed in the container.

1895 (8)-(6) For flower seed in containers other than packets
1896 and other than preplanted containers, mats, tapes, or other
1897 planting devices and not prepared for use in home flower gardens
1898 or household plantings: ~~FOR FLOWER SEED IN CONTAINERS OTHER THAN~~
1899 ~~PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD~~
1900 ~~PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR~~
1901 ~~OTHER PLANTING DEVICES.—~~

1902 (a) The name of the kind and variety, and for wildflowers,
1903 the genus and species and subspecies, if appropriate ~~or a~~
1904 ~~statement of type and performance characteristics as prescribed~~
1905 ~~in rules and regulations promulgated under the provisions of~~
1906 ~~this chapter.~~

1907 (b) Net weight or seed count.

1908 (c)-(b) The Lot number or other lot identification.

1909 (d) For flower seed with a pure seed percentage of less

1910 than 90 percent:

1911 1. Percentage, by weight, of each component listed in

1912 order of its predominance.

1913 2. Percentage by weight of weed seed, if present.

1914 3. Percentage by weight of other crop seed.

1915 4. Percentage by weight of inert matter.

1916 (e) For those kinds of seed for which standard testing

1917 procedures are prescribed:

1918 1. Percentage germination exclusive of hard or dormant

1919 seed.

1920 2. Percentage of hard or dormant seed, if present.

1921 3.-(e) The calendar month and year that the test was

1922 completed. The germination test must have been completed within

1923 the previous 9 months, exclusive of the calendar month of test.

1924 (f) For those kinds of seed for which standard testing

1925 procedures are not available, the year of production or

1926 collection seed were tested or the year for which the seed were

1927 packaged.

1928 (g)-(d) The name and address of the person who labeled said

1929 seed or who sells, offers, or exposes said seed for sale within

1930 this state.

1931 ~~(e) For those kinds of seed for which standard testing~~

1932 ~~procedures are prescribed:~~

- 1933 1. ~~The percentage germination exclusive of hard seed.~~
- 1934 2. ~~The percentage of hard seed, if present.~~
- 1935 (h)-(f) For those seeds which germinate less than the
- 1936 standard last established by the department, the words "Below
- 1937 Standard" prominently displayed in not less than 8 point type
- 1938 ~~must be printed or written in ink on the face of the tag.~~
- 1939 (9) For tree or shrub seed:
- 1940 (a) Common name of the species of seed and, if
- 1941 appropriate, subspecies.
- 1942 (b) The scientific name of the genus, species, and, if
- 1943 appropriate, subspecies.
- 1944 (c) Lot number or other lot identification.
- 1945 (d) Net weight or seed count.
- 1946 (e) Origin, indicated in the following manner:
- 1947 1. For seed collected from a predominantly indigenous
- 1948 stand, the area of collection given by latitude and longitude or
- 1949 geographic description, or political subdivision, such as state
- 1950 or county.
- 1951 2. For seed collected from other than a predominantly
- 1952 indigenous stand, the area of collection and the origin of the
- 1953 stand or the statement "Origin not Indigenous".
- 1954 3. The elevation or the upper and lower limits of
- 1955 elevations within which the seed was collected.
- 1956 (f) Purity as a percentage of pure seed by weight.
- 1957 (g) For those species for which standard germination

1958 | testing procedures are prescribed by the department:

1959 | 1. Percentage germination exclusive of hard or dormant

1960 | seed.

1961 | 2. Percentage of hard or dormant seed, if present.

1962 | 3. The calendar month and year test was completed,

1963 | provided that the germination test must have been completed

1964 | within the previous 12 months, exclusive of the calendar month

1965 | of test.

1966 | (h) In lieu of subparagraphs (g)1., 2., and 3., the seed

1967 | may be labeled "Test is in progress; results will be supplied

1968 | upon request."

1969 | (i) For those species for which standard germination

1970 | testing procedures have not been prescribed by the department,

1971 | the calendar year in which the seed was collected.

1972 | (j) The name and address of the person who labeled the

1973 | seed or who sells, offers, or exposes the seed for sale within

1974 | this state.

1975 | ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG. The~~

1976 | ~~department shall have the authority to prescribe a uniform~~

1977 | ~~analysis tag required by this section.~~

1978 |

1979 | The information required by this section to be placed on labels

1980 | attached to seed containers may not be modified or denied in the

1981 | labeling or on another label attached to the container. However,

1982 | labeling of seed supplied under a contractual agreement may be

1983 by invoice accompanying the shipment or by an analysis tag
 1984 attached to the invoice if each bag or other container is
 1985 clearly identified by a lot number displayed on the bag or other
 1986 container. Each bag or container that is not so identified must
 1987 carry complete labeling.

1988 Section 35. Section 578.091, Florida Statutes, is
 1989 repealed.

1990 Section 36. Subsections (2) and (3) of section 578.10,
 1991 Florida Statutes, are amended to read:

1992 578.10 Exemptions.—

1993 (2) The provisions of ss. 578.09 and 578.13 do not apply
 1994 to:

1995 (a) ~~To~~ Seed or grain not intended for sowing or planting
 1996 purposes.

1997 (b) ~~To~~ Seed stored in storage in, consigned to, or being
 1998 transported to seed cleaning or processing establishments for
 1999 cleaning or processing only. Any labeling or other
 2000 representation which may be made with respect to the unclean
 2001 seed is shall be subject to this law.

2002 (c) Seed under development or maintained exclusively for
 2003 research purposes.

2004 (3) If seeds cannot be identified by examination thereof,
 2005 a person is not subject to the criminal penalties of this
 2006 chapter for having sold or offered for sale seeds subject to
 2007 this chapter which were incorrectly labeled or represented as to

2008 kind, species, and, if appropriate, subspecies, variety, type,
2009 or origin, elevation, and, if required, year of collection
2010 unless he or she has failed to obtain an invoice, genuine
2011 grower's or tree seed collector's declaration, or other labeling
2012 information and to take such other precautions as may be
2013 reasonable to ensure the identity of the seeds to be as stated
2014 by the grower. A genuine grower's declaration of variety must
2015 affirm that the grower holds records of proof of identity
2016 concerning parent seed, such as invoice and labels ~~No person~~
2017 ~~shall be subject to the criminal penalties of this law for~~
2018 ~~having sold, offered, exposed, or distributed for sale in this~~
2019 ~~state any agricultural, vegetable, or forest tree seed which~~
2020 ~~were incorrectly labeled or represented as to kind and variety~~
2021 ~~or origin, which seed cannot be identified by examination~~
2022 ~~thereof, unless she or he has failed to obtain an invoice or~~
2023 ~~grower's declaration giving kind and variety and origin.~~

2024 Section 37. Section 578.11, Florida Statutes, is amended
2025 to read:

2026 578.11 Duties, authority, and rules of the department.—

2027 (1) The duty of administering this law and enforcing its
2028 provisions and requirements shall be vested in the Department of
2029 Agriculture and Consumer Services, which is hereby authorized to
2030 employ such agents and persons as in its judgment shall be
2031 necessary therefor. It shall be the duty of the department,
2032 which may act through its authorized agents, to sample, inspect,

2033 make analyses of, and test agricultural, vegetable, flower, ~~or~~
2034 ~~forest tree~~, or shrub seed transported, sold, offered or exposed
2035 for sale, or distributed within this state for sowing or
2036 planting purposes, at such time and place and to such extent as
2037 it may deem necessary to determine whether said agricultural,
2038 vegetable, flower, ~~or forest tree~~, or shrub seed are in
2039 compliance with the provisions of this law, and to notify
2040 promptly the person who transported, distributed, sold, offered
2041 or exposed the seed for sale, of any violation.

2042 (2) The department is authorized to:

2043 (a) ~~To~~ Enforce this chapter act and prescribe the methods
2044 of sampling, inspecting, testing, and examining agricultural,
2045 vegetable, flower, ~~or forest tree~~, or shrub seed.

2046 (b) ~~To~~ Establish standards and tolerances to be followed
2047 in the administration of this law, which shall be in general
2048 accord with officially prescribed practices in interstate
2049 commerce.

2050 (c) ~~To~~ Prescribe uniform labels.

2051 (d) ~~To~~ Adopt prohibited and restricted noxious weed seed
2052 lists.

2053 (e) ~~To~~ Prescribe limitations for each restricted noxious
2054 weed to be used in enforcement of this chapter act and to add or
2055 subtract therefrom from time to time as the need may arise.

2056 (f) ~~To~~ Make commercial tests of seed and to fix and
2057 collect charges for such tests.

2058 (g) ~~To~~ List the kinds of flower, ~~and forest tree,~~ and
 2059 shrub seed subject to this law.

2060 (h) ~~To~~ Analyze samples, as requested by a consumer. The
 2061 department shall establish, by rule, a fee schedule for
 2062 analyzing samples at the request of a consumer. The fees shall
 2063 be sufficient to cover the costs to the department for taking
 2064 the samples and performing the analysis, not to exceed \$150 per
 2065 sample.

2066 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
 2067 to implement ~~the provisions of~~ this chapter act.

2068 (j) ~~To~~ Establish, by rule, requirements governing aircraft
 2069 used for the aerial application of seed, including requirements
 2070 for recordkeeping, annual aircraft registration, secure storage
 2071 when not in use, area-of-application information, and reporting
 2072 any sale, lease, purchase, rental, or transfer of such aircraft
 2073 to another person.

2074 (3) For the purpose of carrying out ~~the provisions of~~ this
 2075 law, the department, through its authorized agents, is
 2076 authorized to:

2077 (a) ~~To~~ Enter upon any public or private premises, where
 2078 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed
 2079 is sold, offered, exposed, or distributed for sale during
 2080 regular business hours, in order to have access to seed subject
 2081 to this law and the rules and regulations hereunder.

2082 (b) ~~To~~ Issue and enforce a stop-sale notice or order to

2083 the owner or custodian of any lot of agricultural, vegetable,
 2084 flower, ~~or forest tree~~, or shrub seed, which the department
 2085 finds or has good reason to believe is in violation of any
 2086 provisions of this law, which shall prohibit further sale,
 2087 barter, exchange, or distribution of such seed until the
 2088 department is satisfied that the law has been complied with and
 2089 has issued a written release or notice to the owner or custodian
 2090 of such seed. After a stop-sale notice or order has been issued
 2091 against or attached to any lot of seed and the owner or
 2092 custodian of such seed has received confirmation that the seed
 2093 does not comply with this law, she or he has ~~shall have~~ 15 days
 2094 beyond the normal test period within which to comply with the
 2095 law and obtain a written release of the seed. ~~The provisions of~~
 2096 This paragraph may ~~shall~~ not be construed as limiting the right
 2097 of the department to proceed as authorized by other sections of
 2098 this law.

2099 (c) ~~To~~ Establish and maintain a seed laboratory, employ
 2100 seed analysts and other personnel, and incur such other expenses
 2101 as may be necessary to comply with these provisions.

2102 Section 38. Section 578.12, Florida Statutes, is amended
 2103 to read:

2104 578.12 Stop-sale, stop-use, removal, or hold orders.—When
 2105 agricultural, vegetable, flower, ~~or forest tree~~, or shrub seed
 2106 is being offered or exposed for sale or held in violation of any
 2107 of the provisions of this chapter, the department, through its

2108 authorized representative, may issue and enforce a stop-sale,
 2109 stop-use, removal, or hold order to the owner or custodian of
 2110 said seed ordering it to be held at a designated place until the
 2111 law has been complied with and said seed is released in writing
 2112 by the department or its authorized representative. If seed is
 2113 not brought into compliance with this law it shall be destroyed
 2114 within 30 days or disposed of by the department in such a manner
 2115 as it shall by regulation prescribe.

2116 Section 39. Section 578.13, Florida Statutes, is amended
 2117 to read:

2118 578.13 Prohibitions.—

2119 (1) It shall be unlawful for any person to sell,
 2120 distribute for sale, offer for sale, expose for sale, handle for
 2121 sale, or solicit orders for the purchase of any agricultural,
 2122 vegetable, flower, ~~or forest tree,~~ or shrub, seed within this
 2123 state:

2124 (a) Unless the test to determine the percentage of
 2125 germination required by s. 578.09 has ~~shall have~~ been completed
 2126 ~~within a period of 7 months, exclusive of the calendar month in~~
 2127 ~~which the test was completed,~~ immediately prior to sale,
 2128 exposure for sale, offering for sale, or transportation, except
 2129 for a germination test for seed in hermetically sealed
 2130 containers which is provided for in s. 578.092 ~~s. 578.28~~.

2131 (b) Not labeled in accordance with ~~the provisions of~~ this
 2132 law, or having false or misleading labeling.

2133 (c) Pertaining to which there has been a false or
 2134 misleading advertisement.

2135 (d) Containing noxious weed seeds subject to tolerances
 2136 and methods of determination prescribed in the rules and
 2137 regulations under this law.

2138 (e) Unless a seed license has been obtained in accordance
 2139 with ~~the provisions of~~ this law.

2140 (f) Unless such seed conforms to the definition of a "lot
 2141 ~~of seed.~~"

2142 (2) It shall be unlawful for a ~~any~~ person within this
 2143 state to:

2144 (a) ~~To~~ Detach, deface, destroy, or use a second time any
 2145 label or tag provided for in this law or in the rules and
 2146 regulations made and promulgated hereunder or to alter or
 2147 substitute seed in a manner that may defeat the purpose of this
 2148 law.

2149 (b) ~~To~~ Disseminate any false or misleading advertisement
 2150 concerning agricultural, vegetable, flower, ~~or forest~~ tree ,or
 2151 shrub seed in any manner or by any means.

2152 (c) ~~To~~ Hinder or obstruct in any way any authorized person
 2153 in the performance of her or his duties under this law.

2154 (d) ~~To~~ Fail to comply with a stop-sale order or to move,
 2155 handle, or dispose of any lot of seed, or tags attached to such
 2156 seed, held under a "stop-sale" order, except with express
 2157 permission of the department and for the purpose specified by

2158 | the department ~~or seizure order.~~

2159 | (e) Label, advertise, or otherwise represent seed subject
2160 | to this chapter to be certified seed or any class thereof,
2161 | including classes such as "registered seed," "foundation seed,"
2162 | "breeder seed" or similar representations, unless:

2163 | 1. A seed certifying agency determines that such seed
2164 | conformed to standards of purity and identify as to the kind,
2165 | variety, or species and, if appropriate, subspecies and the seed
2166 | certifying agency also determines that tree or shrub seed was
2167 | found to be of the origin and elevation claimed, in compliance
2168 | with the rules and regulations of such agency pertaining to such
2169 | seed; and

2170 | 2. The seed bears an official label issued for such seed
2171 | by a seed certifying agency certifying that the seed is of a
2172 | specified class and specified to the kind, variety, or species
2173 | and, if appropriate, subspecies.

2174 | (f) Label, by variety name, seed not certified by an
2175 | official seed-certifying agency when it is a variety for which a
2176 | certificate of plant variety protection under the United States
2177 | Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies
2178 | sale only as a class of certified seed, except that seed from a
2179 | certified lot may be labeled as to variety name when used in a
2180 | mixture by, or with the written approval of, the owner of the
2181 | variety. ~~To sell, distribute for sale, offer for sale, expose~~
2182 | ~~for sale, handle for sale, or solicit orders for the purchase of~~

2183 ~~any agricultural, vegetable, flower, or forest tree seed labeled~~
 2184 ~~"certified seed," "registered seed," "foundation seed," "breeder~~
 2185 ~~seed," or similar terms, unless it has been produced and labeled~~
 2186 ~~under seal in compliance with the rules and regulations of any~~
 2187 ~~agency authorized by law.~~

2188 (g) ~~(f)~~ ~~To~~ Fail to keep a complete record, including a file
 2189 sample which shall be retained for 1 year after seed is sold, of
 2190 each lot of seed and to make available for inspection such
 2191 records to the department or its duly authorized agents.

2192 (h) ~~(g)~~ ~~To~~ Use the name of the Department of Agriculture
 2193 and Consumer Services or Florida State Seed Laboratory in
 2194 connection with analysis tag, labeling advertisement, or sale of
 2195 any seed in any manner whatsoever.

2196 Section 40. Section 578.14, Florida Statutes, is repealed.

2197 Section 41. Subsection (1) of section 578.181, Florida
 2198 Statutes, is amended to read:

2199 578.181 Penalties; administrative fine.—

2200 (1) The department may enter an order imposing one or more
 2201 of the following penalties against a person who violates this
 2202 chapter or the rules adopted under this chapter or who impedes,
 2203 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the
 2204 department from performing its duty in connection with
 2205 ~~performing its duties under~~ this chapter:

2206 (a) For a minor violation, issuance of a warning letter.

2207 (b) For violations other than a minor violation:

2208 1. Imposition of an administrative fine in the Class I
 2209 category pursuant to s. 570.971 for each occurrence ~~after the~~
 2210 ~~issuance of a warning letter.~~

2211 2.~~(e)~~ Revocation or suspension of the registration as a
 2212 seed dealer.

2213 Section 42. Section 578.23, Florida Statutes, is amended
 2214 to read:

2215 578.23 ~~Dealers'~~ Records to be kept available. ~~Each person~~
 2216 who allows his or her name or brand to appear on the label as
 2217 handling agricultural, vegetable, flower, tree, or shrub seeds
 2218 subject to this chapter must keep, for 2 years, complete records
 2219 of each lot of agricultural, vegetable, flower, tree, or shrub
 2220 seed handled, and keep for 1 year after final disposition a file
 2221 sample of each lot of seed. All such records and samples
 2222 pertaining to the shipment or shipments involved must be
 2223 accessible for inspection by the department or its authorized
 2224 representative during normal business hours ~~Every seed dealer~~
 2225 ~~shall make and keep for a period of 3 years satisfactory records~~
 2226 ~~of all agricultural, vegetable, flower, or forest tree seed~~
 2227 ~~bought or handled to be sold, which records shall at all times~~
 2228 ~~be made readily available for inspection, examination, or audit~~
 2229 ~~by the department. Such records shall also be maintained by~~
 2230 ~~persons who purchase seed for production of plants for resale.~~

2231 Section 43. Section 578.26, Florida Statutes, is amended
 2232 to read:

2233 578.26 Complaint, investigation, hearings, findings, and
 2234 recommendation prerequisite to legal action.—

2235 (1) (a) When any buyer ~~farmer~~ is damaged by the failure of
 2236 agricultural, vegetable, flower, ~~or forest tree~~, or shrub seed
 2237 planted in this state to produce or perform as represented by
 2238 the labeling of such ~~label attached to the~~ seed as required by
 2239 s. 578.09, as a prerequisite to her or his right to maintain a
 2240 legal action against the dealer from whom the seed was
 2241 purchased, the buyer must ~~farmer shall~~ make a sworn complaint
 2242 against the dealer alleging damages sustained. The complaint
 2243 shall be filed with the department, and a copy of the complaint
 2244 shall be served by the department on the dealer by certified
 2245 mail, within such time as to permit inspection of the property,
 2246 crops, plants, or trees referenced in, or related to, the
 2247 buyer's complaint by the seed investigation and conciliation
 2248 council or its representatives and by the dealer from whom the
 2249 seed was purchased.

2250 (b) For types of claims specified in paragraph (a), the
 2251 buyer may not commence legal proceedings against the dealer or
 2252 assert such a claim as a counterclaim or defense in any action
 2253 brought by the dealer until the findings and recommendations of
 2254 the seed investigation and conciliation council are transmitted
 2255 to the complainant and the dealer.

2256 (c) ~~(b)~~ Language setting forth the requirement for filing
 2257 and serving the complaint shall be legibly typed or printed on

2258 the analysis label or be attached to the package containing the
2259 seed at the time of purchase by the buyer ~~farmer~~.

2260 (d)~~(e)~~ A nonrefundable filing fee of \$100 shall be paid to
2261 the department with each complaint filed. However, the
2262 complainant may recover the filing fee cost from the dealer upon
2263 the recommendation of the seed investigation and conciliation
2264 council.

2265 (2) Within 15 days after receipt of a copy of the
2266 complaint, the dealer shall file with the department her or his
2267 answer to the complaint and serve a copy of the answer on the
2268 buyer ~~farmer~~ by certified mail. ~~Upon receipt of the findings and~~
2269 ~~recommendation of the arbitration council, the department shall~~
2270 ~~transmit them to the farmer and to the dealer by certified mail.~~

2271 (3) The department shall refer the complaint and the
2272 answer thereto to the seed investigation and conciliation
2273 council provided in s. 578.27 for investigation, informal
2274 hearing, findings, and recommendation on the matters complained
2275 of.

2276 (a) Each party must ~~shall~~ be allowed to present its side
2277 of the dispute at an informal hearing before the seed
2278 investigation and conciliation council. Attorneys may be present
2279 at the hearing to confer with their clients. However, no
2280 attorney may participate directly in the proceeding.

2281 (b) Hearings, including the deliberations of the seed
2282 investigation and conciliation council, must ~~shall~~ be open to

2283 | the public.

2284 | (c) Within 30 days after completion of a hearing, the seed
 2285 | investigation and conciliation council shall transmit its
 2286 | findings and recommendations to the department. Upon receipt of
 2287 | the findings and recommendation of the seed investigation and
 2288 | conciliation council, the department shall transmit them to the
 2289 | buyer ~~farmer~~ and to the dealer by certified mail.

2290 | (4) The department shall provide administrative support
 2291 | for the seed investigation and conciliation council and shall
 2292 | mail a copy of the council's procedures to each party upon
 2293 | receipt of a complaint by the department.

2294 | Section 44. Subsections (1), (2), and (4) of section
 2295 | 578.27, Florida Statutes, are amended to read:

2296 | 578.27 Seed investigation and conciliation council;
 2297 | composition; purpose; meetings; duties; expenses.—

2298 | (1) The Commissioner of Agriculture shall appoint a seed
 2299 | investigation and conciliation council composed of seven members
 2300 | ~~and seven alternate members~~, one member ~~and one alternate~~ to be
 2301 | appointed upon the recommendation of each of the following: the
 2302 | deans of extension and research, Institute of Food and
 2303 | Agricultural Sciences, University of Florida; president of the
 2304 | Florida Seed ~~Seedsmen and Garden Supply~~ Association; president
 2305 | of the Florida Farm Bureau Federation; and the president of the
 2306 | Florida Fruit and Vegetable Association. The Commissioner of
 2307 | Agriculture shall appoint a representative ~~and an alternate~~ from

2308 | the agriculture industry at large and from the Department of
2309 | Agriculture and Consumer Services. Each member shall be
2310 | appointed for a term of 4 years or less and shall serve until
2311 | his or her successor is appointed ~~Initially, three members and~~
2312 | ~~their alternates shall be appointed for 4-year terms and four~~
2313 | ~~members and their alternates shall be appointed for 2-year~~
2314 | ~~terms. Thereafter, members and alternates shall be appointed for~~
2315 | ~~4-year terms. Each alternate member shall serve only in the~~
2316 | ~~absence of the member for whom she or he is an alternate. A~~
2317 | vacancy shall be filled for the remainder of the unexpired term
2318 | in the same manner as the original appointment. The council
2319 | shall annually elect a chair from its membership. It shall be
2320 | the duty of the chair to conduct all meetings and deliberations
2321 | held by the council and to direct all other activities of the
2322 | council. The department representative shall serve as secretary
2323 | of the council. It shall be the duty of the secretary to keep
2324 | accurate and correct records on all meetings and deliberations
2325 | and perform other duties for the council as directed by the
2326 | chair.

2327 | (2) The purpose of the seed investigation and conciliation
2328 | council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed
2329 | dealers in determining the validity of seed complaints made by
2330 | buyers ~~farmers~~ against dealers and recommend a settlement, when
2331 | appropriate, cost damages resulting from the alleged failure of
2332 | the seed to produce or perform as represented by the label of

2333 such ~~on the~~ seed ~~package~~.

2334 (4) (a) When the department refers to the seed
2335 investigation and conciliation council any complaint made by a
2336 buyer ~~farmer~~ against a dealer, the said council must ~~shall~~ make
2337 a full and complete investigation of the matters complained of
2338 and at the conclusion of the said investigation must ~~shall~~
2339 report its findings and make its recommendation ~~of cost damages~~
2340 and file same with the department.

2341 (b) In conducting its investigation, the seed
2342 investigation and conciliation council or any representative,
2343 member, or members thereof are authorized to examine the buyer's
2344 property, crops, plants, or trees referenced in or relating to
2345 the complaint ~~farmer on her or his farming operation of which~~
2346 ~~she or he complains~~ and the dealer on her or his packaging,
2347 labeling, and selling operation of the seed alleged to be
2348 faulty; to grow to production a representative sample of the
2349 alleged faulty seed through the facilities of the state, under
2350 the supervision of the department when such action is deemed to
2351 be necessary; to hold informal hearings at a time and place
2352 directed by the department or by the chair of the council upon
2353 reasonable notice to the buyer ~~farmer~~ and the dealer.

2354 (c) Any investigation made by less than the whole
2355 membership of the council must ~~shall~~ be by authority of a
2356 written directive by the department or by the chair, and such
2357 investigation must ~~shall~~ be summarized in writing and considered

2358 | by the council in reporting its findings and making its
 2359 | recommendation.

2360 | Section 45. Section 578.28, Florida Statutes, is
 2361 | renumbered as section 578.092, Florida Statutes, and amended to
 2362 | read:

2363 | 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The
 2364 | period of validity of germination tests is extended to the
 2365 | following periods for seed packaged in hermetically sealed
 2366 | containers, under conditions and label requirements set forth in
 2367 | this section:

2368 | (1) GERMINATION TESTS.—The germination test for
 2369 | agricultural and vegetable seed must ~~shall~~ have been completed
 2370 | within the following periods, exclusive of the calendar month in
 2371 | which the test was completed, immediately prior to shipment,
 2372 | delivery, transportation, or sale:

2373 | (a) In the case of agricultural or vegetable seed shipped,
 2374 | delivered, transported, or sold to a dealer for resale, 18
 2375 | months;

2376 | (b) In the case of agricultural or vegetable seed for sale
 2377 | or sold at retail, 24 months.

2378 | (2) CONDITIONS OF PACKAGING.—The following conditions are
 2379 | considered as minimum:

2380 | (a) *Hermetically sealed packages or containers.*—A
 2381 | container, to be acceptable under the provisions of this
 2382 | section, shall not allow water vapor penetration through any

2383 wall, including the wall seals, greater than 0.05 gram of water
2384 per 24 hours per 100 square inches of surface at 100 °F. with a
2385 relative humidity on one side of 90 percent and on the other of
2386 0 percent. Water vapor penetration (WVP) is measured by the
2387 standards of the National Institute of Standards and Technology
2388 as: gm H₂O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent
2389 RH.

2390 (b) *Moisture of seed packaged.*—The moisture of
2391 agricultural or vegetable seed subject to the provisions of this
2392 section shall be established by rule of the department.

2393 (3) LABELING REQUIRED.—In addition to the labeling
2394 required by s. 578.09, seed packaged under the provisions of
2395 this section shall be labeled with the following information:

2396 (a) Seed has been preconditioned as to moisture content.

2397 (b) Container is hermetically sealed.

2398 (c) "Germination test valid until (month, year)" may be
2399 used. (Not to exceed 24 months from date of test).

2400 Section 46. Section 578.29, Florida Statutes, is created
2401 to read:

2402 578.29 Prohibited noxious weed seed.—Seeds meeting the
2403 definition of prohibited noxious weed seed under s. 578.011, may
2404 not be present in agricultural, vegetable, flower, tree, or
2405 shrub seed offered or exposed for sale in this state.

2406 Section 47. Subsection (1) of section 590.02, Florida
2407 Statutes, is amended to read:

2408 590.02 Florida Forest Service; powers, authority, and
 2409 duties; liability; building structures; Withlacoochee Training
 2410 Center.—

2411 (1) The Florida Forest Service has the following powers,
 2412 authority, and duties to:

2413 (a) ~~To~~ Enforce the provisions of this chapter;

2414 (b) ~~To~~ Prevent, detect, and suppress wildfires wherever
 2415 they may occur on public or private land in this state and to do
 2416 all things necessary in the exercise of such powers, authority,
 2417 and duties;

2418 (c) ~~To~~ Provide firefighting crews, who shall be under the
 2419 control and direction of the Florida Forest Service and its
 2420 designated agents;

2421 (d) ~~To~~ Appoint center managers, forest area supervisors,
 2422 forestry program administrators, a forest protection bureau
 2423 chief, a forest protection assistant bureau chief, a field
 2424 operations bureau chief, deputy chiefs of field operations,
 2425 district managers, forest operations administrators, senior
 2426 forest rangers, investigators, forest rangers, firefighter
 2427 rotorcraft pilots, and other employees who may, at the Florida
 2428 Forest Service's discretion, be certified as forestry
 2429 firefighters pursuant to s. 633.408(8). Other law
 2430 notwithstanding, center managers, district managers, forest
 2431 protection assistant bureau chief, and deputy chiefs of field
 2432 operations have ~~shall have~~ Selected Exempt Service status in the

2433 state personnel designation;

2434 (e) ~~To~~ Develop a training curriculum for forestry
 2435 firefighters which must contain the basic volunteer structural
 2436 fire training course approved by the Florida State Fire College
 2437 of the Division of State Fire Marshal and a minimum of 250 hours
 2438 of wildfire training;

2439 (f) Pay the cost of the initial commercial driver license
 2440 examination fee for those employees whose position requires them
 2441 to operate equipment requiring a license. This paragraph is
 2442 intended to be an authorization to the department to pay such
 2443 costs, not an obligation;

2444 ~~(f) To make rules to accomplish the purposes of this~~
 2445 ~~chapter;~~

2446 (g) ~~To~~ Provide fire management services and emergency
 2447 response assistance and to set and charge reasonable fees for
 2448 performance of those services. Moneys collected from such fees
 2449 shall be deposited into the Incidental Trust Fund of the Florida
 2450 Forest Service;

2451 (h) ~~To~~ Require all state, regional, and local government
 2452 agencies operating aircraft in the vicinity of an ongoing
 2453 wildfire to operate in compliance with the applicable state
 2454 Wildfire Aviation Plan; ~~and~~

2455 (i) ~~To~~ Authorize broadcast burning, prescribed burning,
 2456 pile burning, and land clearing debris burning to carry out the
 2457 duties of this chapter and the rules adopted thereunder; and

2458 (j) Make rules to accomplish the purposes of this chapter.
 2459 Section 48. Paragraph (c) of subsection (6) and subsection
 2460 (9) of section 790.06, Florida Statutes, are amended to read:
 2461 790.06 License to carry concealed weapon or firearm.—
 2462 (6)
 2463 (c) The Department of Agriculture and Consumer Services
 2464 shall, within 90 days after the date of receipt of the items
 2465 listed in subsection (5):
 2466 1. Issue the license; or
 2467 2. Deny the application based solely on the ground that
 2468 the applicant fails to qualify under the criteria listed in
 2469 subsection (2) or subsection (3). If the Department of
 2470 Agriculture and Consumer Services denies the application, it
 2471 shall notify the applicant in writing, stating the ground for
 2472 denial and informing the applicant of any right to a hearing
 2473 pursuant to chapter 120.
 2474 3. In the event the department receives incomplete
 2475 criminal history information or ~~with~~ no final disposition on a
 2476 crime which may disqualify the applicant, the Department of
 2477 Agriculture and Consumer Services must expedite efforts to
 2478 acquire the final disposition or proof of restoration of civil
 2479 and firearm rights, or confirmation that clarifying records are
 2480 not available from the jurisdiction where the criminal history
 2481 originated. Ninety days after the date of receipt of the
 2482 completed application, if the department has not acquired final

2483 disposition or proof of restoration of civil and firearm rights,
2484 or confirmation that clarifying records are not available from
2485 the jurisdiction where the criminal history originated, the
2486 department shall issue the license in the absence of
2487 disqualifying information. However, such license must be
2488 immediately suspended and revoked upon receipt of disqualifying
2489 information pursuant to this section ~~time limitation prescribed~~
2490 ~~by this paragraph may be suspended until receipt of the final~~
2491 ~~disposition or proof of restoration of civil and firearm rights.~~

2492 (9) In the event that a concealed weapon or firearm
2493 license is lost or destroyed, the license shall be automatically
2494 invalid, and the person to whom the same was issued may, upon
2495 payment of \$15 to the Department of Agriculture and Consumer
2496 Services, obtain a duplicate, or substitute thereof, upon
2497 furnishing a ~~notarized~~ statement under oath to the Department of
2498 Agriculture and Consumer Services that such license has been
2499 lost or destroyed.

2500 Section 49. Subsections (5) and (8) of section 790.0625,
2501 Florida Statutes, are amended, and sections (9) and (10) are
2502 added to that section, to read:

2503 790.0625 Appointment of tax collectors to accept
2504 applications for a concealed weapon or firearm license; fees;
2505 penalties.—

2506 (5) A tax collector appointed under this section shall
2507 collect and remit weekly to the department the license fees

2508 pursuant to s. 790.06 for deposit in the Division of Licensing
2509 Trust Fund and may collect and retain a convenience fees for the
2510 following: fee of \$22 for each new application and \$12 for each
2511 renewal application and shall remit weekly to the department the
2512 license fees pursuant to s. 790.06 for deposit in the Division
2513 of Licensing Trust Fund.

2514 (a) Twenty-two dollars for each new application.

2515 (b) Twelve dollars for each renewal application.

2516 (c) Twelve dollars for each duplicate license issued to
2517 replace a lost or destroyed license.

2518 (d) Six dollars for fingerprinting.

2519 (e) Six dollars for photographing services associated with
2520 the completion of an application submitted online.

2521 (8) Upon receipt of a completed renewal application, a new
2522 color photograph, and ~~appropriate~~ payment of required fees, a
2523 tax collector authorized to accept renewal applications for
2524 concealed weapon or firearm licenses under this section may,
2525 upon approval and confirmation of license issuance by the
2526 department, print and deliver a concealed weapon or firearm
2527 license to a licensee renewing his or her license at the tax
2528 collector's office.

2529 (9) Upon receipt of a statement under oath to the
2530 department, and the payment of required fees, a tax collector
2531 authorized to accept applications for concealed weapon or
2532 firearm licenses under this section may, upon approval and

2533 confirmation from the department that a license is in good
2534 standing, print and deliver a concealed weapon or firearm
2535 license to a licensee whose license has been lost or destroyed.

2536 (10) Tax collectors authorized to accept applications for
2537 concealed weapon or firearm licenses under this section may
2538 provide fingerprinting and photographing services to aid
2539 concealed weapon and firearm applicants and licensees with
2540 online initial and renewal applications.

2541 Section 50. Section 817.417, Florida Statutes, is created
2542 to read:

2543 817.417 Government Impostor and Deceptive Advertisement
2544 Act.—

2545 (1) SHORT TITLE.—This act may be cited as the "Government
2546 Impostor and Deceptive Advertisements Act."

2547 (2) DEFINITIONS.—As used in this section:

2548 (a) "Advertisement" means any representation disseminated
2549 in any manner or by any means, other than by a label, for the
2550 purpose of inducing, or which is reasonably likely to induce,
2551 directly or indirectly, a purchase.

2552 (b) "Department" means the Department of Agriculture and
2553 Consumer Services.

2554 (c) "Governmental entity" means a political subdivision or
2555 agency of any state, possession, or territory of the United
2556 States, or the Federal Government, including, but not limited
2557 to, a board, a department, an office, an agency, a military

2558 veteran entity, or a military or veteran service organization by
 2559 whatever name known.

2560 (3) DUTIES AND RESPONSIBILITIES.—The department has the
 2561 duty and responsibility to:

2562 (a) Investigate potential violations of this section.

2563 (b) Request and obtain information regarding potential
 2564 violations of this section.

2565 (c) Seek compliance with this section.

2566 (d) Enforce this section.

2567 (e) Adopt rules necessary to administer this section.

2568 (4) VIOLATIONS.—Each occurrence of the following acts or
 2569 practices constitute a violation of this section:

2570 (a) Disseminating an advertisement that:

2571 1. Simulates a summons, complaint, jury notice, or other
 2572 court, judicial, or administrative process of any kind.

2573 2. Represents, implies, or otherwise engages in an action
 2574 that may reasonably cause confusion that the person using or
 2575 employing the advertisement is a part of or associated with a
 2576 governmental entity, when such is not true.

2577 (b) Representing, implying, or otherwise reasonably
 2578 causing confusion that goods, services, an advertisement, or an
 2579 offer was disseminated by or has been approved, authorized, or
 2580 endorsed, in whole or in part, by a governmental entity, when
 2581 such is not true.

2582 (c) Using or employing language, symbols, logos,

2583 representations, statements, titles, names, seals, emblems,
2584 insignia, trade or brand names, business or control tracking
2585 numbers, website or e-mail addresses, or any other term, symbol,
2586 or other content that represents or implies or otherwise
2587 reasonably causes confusion that goods, services, an
2588 advertisement, or an offer is from a governmental entity, when
2589 such is not true.

2590 (d) Failing to provide the disclosures as required in
2591 subsections (5) or (6).

2592 (e) Failing to timely submit to the department written
2593 responses and answers to its inquiries concerning alleged
2594 practices inconsistent with, or in violation of, this section.
2595 Responses or answers may include, but are not limited to, copies
2596 of customer lists, invoices, receipts, or other business
2597 records.

2598 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.—

2599 (a) Any person offering documents that are available free
2600 of charge or at a lesser price from a governmental entity must
2601 provide the notice specified in paragraph (b) on advertisements
2602 as follows:

2603 1. For printed or written advertisements, notice must be
2604 in the same font size, color, style, and visibility as primarily
2605 used elsewhere on the page or envelope and displayed as follows:

2606 a. On the outside front of any mailing envelope used in
2607 disseminating the advertisement.

2608 b. At the top of each printed or written page used in the
2609 advertisement.

2610 2. For electronic advertisements, notice must be in the
2611 same font size, color, style, and visibility as the body text
2612 primarily used in the e-mail or web page and displayed as
2613 follows:

2614 a. At the beginning of each e-mail message, before any
2615 offer or other substantive information.

2616 b. In a prominent location on each web page, such as the
2617 top of each page or immediately following the offer or other
2618 substantive information on the page.

2619 (b) Advertisements specified in paragraph (a) must include
2620 the following disclosure:

2621
2622 "IMPORTANT NOTICE:

2623
2624 The documents offered by this advertisement are available to
2625 Florida consumers free of charge or for a lesser price from
2626 ...(insert name, telephone number, and mailing address of the
2627 applicable governmental entity).... You are NOT required to
2628 purchase anything from this company and the company is NOT
2629 affiliated, endorsed, or approved by any governmental entity.
2630 The item offered in this advertisement has NOT been approved or
2631 endorsed by any governmental agency, and this offer is NOT being
2632 made by an agency of the government."

2633
2634 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.—
2635 (a) Any person disseminating an advertisement that
2636 includes a form or template to be completed by the consumer with
2637 the claim that such form or template will assist the consumer in
2638 complying with a legal filing or record retention requirement
2639 must provide the notice specified in paragraph (b) on
2640 advertisements as follows:
2641 1. For printed or written advertisements, the notice must
2642 be in the same font size, color, style, and visibility as
2643 primarily used elsewhere on the page or envelope and displayed
2644 as follows:
2645 a. On the outside front of any mailing envelope used in
2646 disseminating the advertisement.
2647 b. At the top of each printed or written page used in the
2648 advertisement.
2649 2. For electronic advertisements, the notice must be in
2650 the same font size, color, style, and visibility as the body
2651 text primarily used in the e-mail or web page and displayed as
2652 follows:
2653 a. At the beginning of each e-mail message, before any
2654 offer or other substantive information.
2655 b. In a prominent location on each web page, such as the
2656 top of each page or immediately following the offer or other
2657 substantive information on the page.

2658 (b) Advertisements specified in paragraph (a) must include
2659 the following disclosure:

2660
2661 "IMPORTANT NOTICE:

2662
2663 You are NOT required to purchase anything from this company and
2664 the company is NOT affiliated, endorsed, or approved by any
2665 governmental entity. The item offered in this advertisement has
2666 NOT been approved or endorsed by any governmental agency, and
2667 this offer is NOT being made by an agency of the government."

2668
2669 (7) PENALTIES.—

2670 (a) Any person substantially affected by a violation of
2671 this section may bring an action in a court of proper
2672 jurisdiction to enforce the provisions of this section. A person
2673 prevailing in a civil action for a violation of this section
2674 shall be awarded costs, including reasonable attorney fees, and
2675 may be awarded punitive damages in addition to actual damages
2676 proven. This provision is in addition to any other remedies
2677 prescribed by law.

2678 (b) The department may bring one or more of the following
2679 for a violation of this section:

2680 1. A civil action in circuit court for:

2681 a. Temporary or permanent injunctive relief to enforce
2682 this section.

2683 b. For printed advertisements and e-mail, a fine of up to
2684 \$1,000 for each separately addressed advertisement or message
2685 containing content in violation of paragraphs (4) (a)-(d)
2686 received by or addressed to a state resident.

2687 c. For websites, a fine of up to \$5,000 for each day a
2688 website, with content in violation of paragraphs (4) (a)-(d), is
2689 published and made available to the general public.

2690 d. For violations of paragraph (4) (e), a fine of up to
2691 \$5,000 for each violation.

2692 e. Recovery of restitution and damages on behalf of
2693 persons substantially affected by a violation of this section.

2694 f. The recovery of court costs and reasonable attorney
2695 fees.

2696 2. An action for an administrative fine in the Class III
2697 category pursuant to s. 570.971 for each act or omission which
2698 constitutes a violation under this section.

2699 (c) The department may terminate any investigation or
2700 action upon agreement by the alleged offender to pay a
2701 stipulated fine, make restitution, pay damages to customers, or
2702 satisfy any other relief authorized by this section.

2703 (d) Any person who violates paragraphs (4) (a)-(d) also
2704 commits an unfair and deceptive trade practice in violation of
2705 part II of chapter 501 and is subject to the penalties and
2706 remedies imposed for such violation.

2707 Section 51. Paragraph (m) of subsection (3) of section

2708 489.105, Florida Statutes, is amended to read:

2709 489.105 Definitions.—As used in this part:

2710 (3) "Contractor" means the person who is qualified for,
 2711 and is only responsible for, the project contracted for and
 2712 means, except as exempted in this part, the person who, for
 2713 compensation, undertakes to, submits a bid to, or does himself
 2714 or herself or by others construct, repair, alter, remodel, add
 2715 to, demolish, subtract from, or improve any building or
 2716 structure, including related improvements to real estate, for
 2717 others or for resale to others; and whose job scope is
 2718 substantially similar to the job scope described in one of the
 2719 paragraphs of this subsection. For the purposes of regulation
 2720 under this part, the term "demolish" applies only to demolition
 2721 of steel tanks more than 50 feet in height; towers more than 50
 2722 feet in height; other structures more than 50 feet in height;
 2723 and all buildings or residences. Contractors are subdivided into
 2724 two divisions, Division I, consisting of those contractors
 2725 defined in paragraphs (a)-(c), and Division II, consisting of
 2726 those contractors defined in paragraphs (d)-(q):

2727 (m) "Plumbing contractor" means a contractor whose
 2728 services are unlimited in the plumbing trade and includes
 2729 contracting business consisting of the execution of contracts
 2730 requiring the experience, financial means, knowledge, and skill
 2731 to install, maintain, repair, alter, extend, or, if not
 2732 prohibited by law, design plumbing. A plumbing contractor may

2733 install, maintain, repair, alter, extend, or, if not prohibited
2734 by law, design the following without obtaining an additional
2735 local regulatory license, certificate, or registration: sanitary
2736 drainage or storm drainage facilities, water and sewer plants
2737 and substations, venting systems, public or private water supply
2738 systems, septic tanks, drainage and supply wells, swimming pool
2739 piping, irrigation systems, and solar heating water systems and
2740 all appurtenances, apparatus, or equipment used in connection
2741 therewith, including boilers and pressure process piping and
2742 including the installation of water, natural gas, liquefied
2743 petroleum gas and related venting, and storm and sanitary sewer
2744 lines. The scope of work of the plumbing contractor also
2745 includes the design, if not prohibited by law, and installation,
2746 maintenance, repair, alteration, or extension of air-piping,
2747 vacuum line piping, oxygen line piping, nitrous oxide piping,
2748 and all related medical gas systems; fire line standpipes and
2749 fire sprinklers if authorized by law; ink and chemical lines;
2750 fuel oil and gasoline piping and tank and pump installation,
2751 except bulk storage plants; and pneumatic control piping
2752 systems, all in a manner that complies with all plans,
2753 specifications, codes, laws, and regulations applicable. The
2754 scope of work of the plumbing contractor applies to private
2755 property and public property, including any excavation work
2756 incidental thereto, and includes the work of the specialty
2757 plumbing contractor. Such contractor shall subcontract, with a

2758 qualified contractor in the field concerned, all other work
2759 incidental to the work but which is specified as being the work
2760 of a trade other than that of a plumbing contractor. This
2761 definition does not limit the scope of work of any specialty
2762 contractor certified pursuant to s. 489.113(6) and does not
2763 require certification or registration under this part as a
2764 category I liquefied petroleum gas dealer, or category V LP gas
2765 installer, as defined in s. 527.01, ~~or specialty installer~~ who
2766 is licensed under chapter 527 or an authorized employee of a
2767 public natural gas utility or of a private natural gas utility
2768 regulated by the Public Service Commission when disconnecting
2769 and reconnecting water lines in the servicing or replacement of
2770 an existing water heater. A plumbing contractor may perform
2771 drain cleaning and clearing and install or repair rainwater
2772 catchment systems; however, a mandatory licensing requirement is
2773 not established for the performance of these specific services.

2774 Section 52. Subsection (3) of section 527.06, Florida
2775 Statutes, is reenacted to read:

2776 527.06 Rules.—

2777 (3) Rules in substantial conformity with the published
2778 standards of the National Fire Protection Association (NFPA) are
2779 deemed to be in substantial conformity with the generally
2780 accepted standards of safety concerning the same subject matter.

2781 Section 53. This act shall take effect July 1, 2018.